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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

AWILDA GOMEZ,

Plaintiff,

-against-

07 CIV 9296

VILLAGE OF SLEEPY HOLLOW, DETECTIVE JOSE  
QUINOY IN HIS INDIVIDUAL AND OFFICIAL  
CAPACITY, POLICE OFFICER ELDRYK EBEL IN HIS  
INDIVIDUAL AND OFFICIAL CAPACITY, POLICE  
OFFICER MIKE GASKER IN HIS INDIVIDUAL AND  
OFFICIAL CAPACITY, LIEUTENANT BARRY CAMPBELL  
IN HIS INDIVIDUAL AND OFFICIAL CAPACITY,  
LIEUTENANT GABRIEL HAYES IN HIS INDIVIDUAL  
AND OFFICIAL CAPACITY, SERGEANT WOOD IN HIS  
INDIVIDUAL AND OFFICIAL CAPACITY, CHIEF OF  
POLICE JIMMY WARREN IN HIS INDIVIDUAL AND  
OFFICIAL CAPACITY, AND POLICE OFFICERS JOHN  
DOES 1-4,

Defendants.

- - - - - X

HELD AT: Joseph A. Maria, P.C.  
301 Old Tarrytown Road  
White Plains, New York 10603  
February 26, 2008  
10:25 a.m.

Examination before Trial of the  
Plaintiff, AWILDA GOMEZ, pursuant to Court  
Order, held at the above time and place  
before a Notary Public of the State of New  
York.

J & L REPORTING SERVICE  
of Westchester, Inc.  
200 East Post Road  
White Plains, New York 10601  
(914) 682-1888  
Lisa Dobbo, Reporter

A P P E A R A N C E S:

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MARINELLI, ESQUIRE

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BY: BRIAN S. SOKOLOFF, ESQUIRE

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the respective parties herein, that the sealing and filing of the within deposition be waived; that such deposition may be signed and sworn to before any officer authorized to administer an oath, with the same force and effect as if signed and sworn to before the officer before whom said deposition is taken.

IT IS FURTHER STIPULATED AND AGREED, that all objections, except as to form, are reserved to the time of trial.

1 A. GOMEZ 4  
2 AWILDA GOMEZ, residing at 1  
3 River Plaza, Apartment 4E,  
4 Tarrytown, New York 10591,  
5 having been duly sworn by  
6 Notary Public, Lisa Dobbo  
7 testified as follows:

8 EXAMINATION BY MR. SOKOLOFF:

9 Q. Please state your full name for  
10 the record.

11 A. Awilda Gomez.

12 Q. Please state your address for  
13 the record.

14 A. 1 River Plaza, Apartment 4E,  
15 Tarrytown, New York 10591.

16 Q. Good morning, Ms. Gomez. My  
17 name is Brian Sokoloff. I'm with the law  
18 firm Miranda, Sokoloff, Sambursky, Slone,  
19 Verveniotis and we represent the defendants  
20 in this lawsuit that you've brought.

21 I'm going to be asking you some  
22 questions here today. If, at anytime, you  
23 don't understand a question that I ask, will  
24 you let me know?

25 A. Yes.

1 A. GOMEZ 5

2 Q. Similarly, if, at anytime, you  
3 need to take a break, let me know and that  
4 won't be a problem.

5 A. Yes.

6 Q. Are you completely fluent in  
7 English?

8 A. Sometimes I have a problem with  
9 understanding but I understand a lot. It  
10 depends. You use English very, you know,  
11 professional and maybe I don't understand  
12 the word but I understand -- normally I  
13 understand normal English.

14 Q. Would you feel more comfortable  
15 if I took your testimony with a Spanish  
16 interpreter?

17 A. No, I think I do in English.

18 Q. If you don't understand a  
19 question --

20 A. I tell you.

21 Q. Because you'll agree that  
22 anybody that will read this transcript can  
23 assume if you answer the question it meant  
24 you understood it; right?

25 A. I understand you, yes.

1 A. GOMEZ 6

2 Q. Okay.

3 Are you currently employed?

4 A. I'm not working.

5 Q. When is the last time you  
6 worked?

7 A. On February 27th, 2007.

8 Q. What happened on that date that  
9 caused you to stop working?

10 A. Well, that day is not the day  
11 it happened when they find in the newspaper  
12 that I involved in this situation. They  
13 read in the newspaper that I have a problem  
14 with the police department. That's when the  
15 problem coming and they terminate February  
16 27th, put me out on my job, Family Service  
17 of Westchester. That's the organization  
18 that I work at the time.

19 Q. What did you do for Family  
20 Service of Westchester?

21 A. Family advocate and volunteer  
22 coordinator.

23 Q. What were your duties and  
24 responsibilities?

25 A. With family advocate I have

1 A. GOMEZ 7

2 responsibility talking with the parents,  
3 help parents when they need information and  
4 going to the reunion with the parents.  
5 Sometimes they need help in English and I  
6 translate; volunteer coordinator that I do,  
7 I collect donation for the family, food,  
8 clothes, all type of donation for  
9 Thanksgiving, Christmas toys. That's my --  
10 sometimes I help in the room where assistant  
11 teachers aren't there in the room. I stay  
12 in the room with the kids, too. That's what  
13 I do.

14 Q. How long did you work there?

15 A. Nine years.

16 Q. Who was it that told you that  
17 you were not going to work there anymore?

18 A. Barbara Sommers. She's in  
19 charge of the program, and Heather, she's my  
20 supervisor at the time.

21 Q. Barbara Sommers?

22 A. Yes.

23 Q. S-O-M-E-R-S?

24 A. Yes.

25 MS. MARINELLI: I think two

1 A. GOMEZ 8

2 M's.

3 A. Yes, two M's.

4 Q. What's Heather's last name?

5 A. Batanor, B-A-T-A-N-O-R, I

6 think.

7 Q. Heather was your supervisor?

8 A. Yes.

9 Q. Barbara Sommers was what?

10 A. She's in charge all the

11 program, Head Start program.

12 Q. So, how did you learn that you

13 wouldn't be working there anymore?

14 A. That day when the newspaper

15 coming out, November 2nd, they made a

16 meeting with me and they tell me they think

17 this is not good for the position that you

18 have for Family Service, is not good see me

19 in the newspaper, the parents see me and

20 somebody asked me what happened, they tell

21 me try to be -- don't say nothing about the

22 situation that happened with the police

23 department in Sleepy Hollow.

24 Q. There was a newspaper article

25 on November 2nd?



1 A. GOMEZ 9

2 A. November 2nd and November 3rd,  
3 two articles.

4 Q. November 2nd and 3rd of what  
5 year?

6 A. 2007.

7 MS. MARINELLI: No, 6, you  
8 mean.

9 MR. SOKOLOFF: Wait, wait,  
10 wait. You can't --

11 MS. MARINELLI: Sorry. Well,  
12 we want the record clear.

13 MR. SOKOLOFF: No, we want her  
14 testimony.

15 A. Yeah, 2006; sorry.

16 Q. What newspaper?

17 A. Journal News.

18 Q. You have copies of those  
19 articles?

20 A. No.

21 Q. Did you know that these  
22 articles were going to be in the newspaper  
23 before they were actually in the newspaper?

24 A. No.

25 Q. What did the articles say?

1 A. GOMEZ 10

2 MS. MARINELLI: Just note my  
3 objection. I think this is a  
4 deposition on qualified immunity. I  
5 think you're going beyond the scope  
6 of it.

7 MR. SOKOLOFF: How?

8 MS. MARINELLI: Talking about  
9 qualified immunity here, not talking  
10 about damages.

11 MR. SOKOLOFF: I'm not talking  
12 about damages.

13 MS. MARINELLI: This does run  
14 into the field of damages.

15 MR. SOKOLOFF: If there's an  
16 article and she may have been quoted  
17 in the article and, I don't know, it  
18 may go to qualified immunity. I'm  
19 not asking how much money she made.

20 MS. MARINELLI: Why don't you  
21 ask her --

22 MR. SOKOLOFF: First I'll find  
23 out if she knew about the article.

24 MS. MARINELLI: She already  
25 told you no. We have gone into

1 A. GOMEZ 11

2 questions I think are beyond the  
3 scope of qualified immunity.

4 I'm going to object and I'll  
5 let her answer. I'm asking that you  
6 try to stick to the --

7 MR. SOKOLOFF: This deposition  
8 is five minutes old. I have not  
9 asked one question on damages.

10 MS. MARINELLI: You haven't  
11 asked one question on qualified  
12 immunity.

13 MR. SOKOLOFF: I'm just getting  
14 started.

15 MS. MARINELLI: Are you going  
16 to ask for another deposition of this  
17 witness?

18 MR. SOKOLOFF: I'm going to ask  
19 for whatever the federal rules allow.

20 MS. MARINELLI: At some point  
21 we may have to call the court, but  
22 you can answer the question.

23 MR. SOKOLOFF: There is no  
24 question.

25 MS. MARINELLI: I thought there

1 A. GOMEZ 12

2 was.

3 MR. SOKOLOFF: Is there a  
4 pending question?

5 (Whereupon, the reporter read  
6 back the requested material.)

7 Q. What did the articles cart  
8 calls say?

9 MS. MARINELLI: Objection.  
10 You can answer.

11 A. The article talking about the  
12 incident with police department, with Jose  
13 Quinoy. They say they have romantic  
14 relation with my daughter and talking about  
15 what happened on the night my husband and me  
16 there. That's what the article say. I no  
17 remember clear exactly what they say, and  
18 the second article talking Jose Quinoy  
19 talking about he know my family for years,  
20 more than ten years. That's what the  
21 article say, the charge they put me, I be  
22 arrested. They say what charge I have and  
23 Mario and they talking about -- that's what  
24 I remember.

25 Q. Did you read the article before

1 A. GOMEZ 13

2 you were told about it on the job?

3 A. No.

4 Q. Are you currently married?

5 A. Yes.

6 Q. Who is your husband?

7 A. Mario Gomez.

8 Q. Do you live with him?

9 A. No.

10 Q. When is the last time you lived  
11 with him?

12 A. May last year. I no remember  
13 exactly the day.

14 Q. May of 2007?

15 A. Yes.

16 Q. Somebody moved out?

17 A. He move.

18 Q. Are there any legal proceedings  
19 between you and Mario Gomez at the present  
20 time?

21 A. Yes.

22 Q. Somebody suing somebody else?

23 A. No, no.

24 Q. What is the legal proceeding?

25 A. No, no proceeding. I have

1 A. GOMEZ 14

2 legal separation. That's what I have.

3 Q. You have a written Separation  
4 Agreement?

5 A. Yes.

6 Q. When is the last time you saw  
7 or spoke to Mario Gomez?

8 A. Last year.

9 Q. When last year?

10 A. I no remember.

11 Q. When you say last year, you  
12 mean in 2007?

13 A. In 2007, yes.

14 Q. Was it in the first half of the  
15 year or second half of the year that you  
16 last spoke to Mario Gomez?

17 A. Second half of the year, yeah.

18 Q. What was the substance of the  
19 communication?

20 A. About my children.

21 Q. You have your children?

22 A. Yes.

23 Q. How many children do you have?

24 A. Three daughters.

25 Q. What are their names?

1 A. GOMEZ 15

2 A. Haydee, H-A-Y-D-E-E Gomez,  
3 Stephanie Gomez and Bridgette Gomez.

4 Q. They all three live with you?

5 A. No now. Haydee live with me;  
6 Stephanie, Bridgette, they go to University.

7 Q. Stephanie lives in the  
8 University?

9 A. Yes.

10 Q. What University?

11 A. Binghamton University.

12 Q. What year is she in?

13 A. Excuse me?

14 Q. What year in school?

15 A. This is the second year in the  
16 school.

17 Q. And Bridgette, what school is  
18 she in?

19 A. Duke University, first year.

20 Q. Do you know who you're suing in  
21 this case?

22 A. Yes.

23 Q. Who?

24 A. Jose Quinoy, Ebel, something  
25 like that. I'm not very familiar with the

1 A. GOMEZ 16

2 police department, okay; Gasker, Jimmy  
3 Warren, Campbell, Lieutenant Hayes. I think  
4 I have two more. I don't know the names,  
5 really. That's the persons I really know.

6 Q. Spell the name of the  
7 lieutenant, please.

8 A. Hayes, something like that.  
9 I'm not familiar with nobody in the  
10 department.

11 Q. Did you ever meet any members  
12 of the Sleepy Hollow Police Department  
13 before the incident that you're suing about?

14 A. No.

15 Q. Do you know if your husband  
16 knew any members of the police department?

17 A. I don't know anything about my  
18 husband.

19 Q. You don't know anything about  
20 your husband?

21 A. I don't know that he have -- I  
22 no see. I not living with him. I don't  
23 know what happened to him.

24 Q. Well, how long were you married  
25 to him?



1 A. GOMEZ 17

2 A. Twenty-three years.

3 Q. You lived together with him  
4 twenty-three years?

5 A. Yes, but he have no problem  
6 before. I don't know --

7 Q. Were you ever arrested before?

8 A. No.

9 MS. MARINELLI: Just note my  
10 objection.

11 Q. What is the date of the  
12 incident that you're suing about here?

13 A. The incident October 17th,  
14 2006.

15 Q. What day of the week was that?

16 A. Tuesday.

17 Q. What happened on that date?

18 MS. MARINELLI: Just objection.

19 MR. SOKOLOFF: I'll rephrase  
20 the question.

21 Q. Did you work that day?

22 A. No.

23 Q. Why not?

24 A. I was sick that day because I  
25 have surgery September 13th.

1 A. GOMEZ 18

2 Q. September 13th, 2006 you had  
3 surgery?

4 A. I have surgery.

5 Q. What kind of surgery?

6 A. I don't know the name. They  
7 put all my ovaries, everything out.

8 Q. Were you recovering from the  
9 surgery?

10 A. Yes.

11 MR. SOKOLOFF: You can't nod  
12 your head to tell her.

13 MS. MARINELLI: Okay.

14 MR. SOKOLOFF: You know that,  
15 right?

16 MS. MARINELLI: Yes.

17 MR. SOKOLOFF: Maybe you  
18 didn't.

19 MS. MARINELLI: She didn't see  
20 me.

21 THE WITNESS: I no see you.

22 MR. SOKOLOFF: That's fine.

23 Q. Were you in bed?

24 A. No.

25 Q. You were able to walk around?

1 A. GOMEZ 19

2 A. Yes. The week before the  
3 incident, I supposed to come back.

4 Q. Back to work?

5 A. Yes.

6 Q. Why didn't you go back the week  
7 before the incident?

8 A. Because I have damage in the  
9 incident.

10 Q. You said you were supposed to  
11 go back to work the week before the  
12 incident?

13 A. After. This happened the 17th,  
14 Tuesday. I had to come back the next Monday  
15 on 20 something, but what happened in the  
16 incident, I can't come back to work.

17 Q. So, when you said before you  
18 were supposed to come back to work the week  
19 before the incident, you didn't mean the  
20 week before the incident; right?

21 A. Yes. I had to come back. I  
22 have the 13th the surgery. I had to come  
23 back and the incident happened the 17th. I  
24 had to come back the 20 something but the  
25 reasons I not come back for what happen in

1 A. GOMEZ 20

2 the October 17th to me and I not come back  
3 to work.

4 Q. So, my question is, when you  
5 testified before --

6 A. Remember, my English is not a  
7 hundred percent. That's what I repeat again  
8 what I say.

9 MR. SOKOLOFF: Given the  
10 difficulty that the reporter has, and  
11 she's a very good reporter and I've  
12 worked with her before, the  
13 difficulty that the reporter has  
14 understanding the witness' answers  
15 which are in a heavy Spanish accent  
16 and given the fact that the witness  
17 seemed to confuse --

18 MS. MARINELLI: Before and  
19 after.

20 MR. SOKOLOFF: -- the week  
21 before and with the weak after, I  
22 think we better do this deposition  
23 with an interpreter just so everybody  
24 understands everybody.

25 MS. MARINELLI: Do you

1 A. GOMEZ 21

2 understand that, Awilda?

3 THE WITNESS: Yes, I do another  
4 one on my own and I don't have any  
5 people translate me because the  
6 problem, sometimes when the people  
7 translate they don't say exactly what  
8 I say.

9 I prefer to repeat two or three  
10 times and she understand me and you  
11 understand me, whatever did I say. I  
12 don't like too much translation, let  
13 me tell you the truth, because  
14 sometimes they do not do it exactly  
15 that I say.

16 MS. MARINELLI: I would go  
17 along with Ms. Gomez. I mean, the  
18 whole 50-H hearing, which was  
19 voluminous, was done without an  
20 interpreter.

21 MR. SOKOLOFF: I didn't do it  
22 so I can't say.

23 MS. MARINELLI: I think we can  
24 say because I have it right here.

25 MR. SOKOLOFF: I could say it's

1 A. GOMEZ 22

2 voluminous but I can't say it's any  
3 different than this.

4 MS. MARINELLI: I mean, just  
5 because she had a problem with before  
6 and after, a lot of people do that.

7 MR. SOKOLOFF: I don't know  
8 anybody that does that.

9 MS. MARINELLI: Well, I've had  
10 depositions before in my experience,  
11 but do you understand what he's  
12 saying?

13 THE WITNESS: I understand what  
14 he say.

15 MS. MARINELLI: He was asking  
16 you questions before and you weren't  
17 --

18 THE WITNESS: Maybe I confuse  
19 day after and before. I don't think  
20 it's a big deal and I can continue  
21 and do it with this.

22 MR. SOKOLOFF: See, the  
23 problem, and I appreciate what you're  
24 saying and you want to continue. My  
25 problem is that I want to get answers

1 A. GOMEZ 23

2 from you that are your answers so  
3 that the next time you testify, if  
4 it's a trial or it's something else,  
5 if you give a different answer, I  
6 don't want you to be able to say,  
7 "Well, my English is not a hundred  
8 percent. I really didn't understand  
9 it so well." That doesn't do me no  
10 good.

11 THE WITNESS: You know, this  
12 happened to me and I prefer to do it  
13 that I do in the court that I do  
14 before, that I do now and I don't  
15 like people translate for me because  
16 I want to be sure you understand me  
17 what I say, not another people say to  
18 you because sometimes I have  
19 experience about that and I listen,  
20 people translate and they not say  
21 exactly what people want to say.  
22 They say maybe the way they feel  
23 comfortable. They not translate  
24 exactly what I say and I don't like  
25 that. I prefer to take more time,

1 A. GOMEZ 24

2 little by little but I do by my own.

3 That's my prefer.

4 MS. MARINELLI: You have no  
5 problem understanding the English  
6 language?

7 THE WITNESS: I have no  
8 problem. I work with English people.  
9 I live twenty-five years in this  
10 country and this is the language in  
11 this country. I have to, you know --

12 MS. MARINELLI: When you go to  
13 Greenburgh Court --

14 THE WITNESS: I do in English.  
15 They put me translation but I do it  
16 in English because that's the  
17 problem, when they put somebody, I  
18 listen and she say something. I say  
19 wait a minute, that's not what I say  
20 and I have to do. Why is the purpose  
21 that I take translation?

22 MR. SOKOLOFF: When do you go  
23 to Greenburgh Court?

24 THE WITNESS: I went the last  
25 time, I think in November.



1 A. GOMEZ 25

2 MR. SOKOLOFF: For what?

3 THE WITNESS: For criminal  
4 charge.

5 MR. SOKOLOFF: Connected to  
6 this incident?

7 THE WITNESS: Yes.

8 MR. SOKOLOFF: Do you have a  
9 trial scheduled?

10 THE WITNESS: I don't know they  
11 call trial. I don't know. I went in  
12 the court too many times. I don't  
13 know what they call.

14 Q. Did you ever hear of Officer  
15 Quinoy before October 17th, 2006?

16 A. I have what?

17 Q. Did you ever hear of Officer  
18 Quinoy before October 17th, 2006?

19 A. Officer Quinoy was my friend  
20 for long time but at the time I'm not  
21 talking with him too much. I no see too  
22 much before. Before this happened, I no  
23 have any communication with him.

24 Q. You say he was your friend for  
25 a long time?

1 A. GOMEZ 26

2 A. Yeah.

3 Q. And you --

4 A. After the incident.

5 MS. MARINELLI: No, see --

6 THE WITNESS: Quinoy was my  
7 friend.

8 MS. MARINELLI: Before the  
9 incident?

10 THE WITNESS: Yes.

11 MS. MARINELLI: See, that's  
12 what the problem is here, Awilda.

13 THE WITNESS: Before the  
14 incident he was my friend for ten,  
15 twenty years. The incident happened  
16 I don't have any communication with  
17 her family, no with him, with nobody,  
18 the wife, nobody. Before, yes.

19 Q. Why did you just say a minute  
20 ago that you had no communication with him  
21 before the incident?

22 A. Because he move the building  
23 and I not see him and the family.

24 Q. But how could he be your friend  
25 and you not communicate with him?

1 A. GOMEZ 27

2 A. Because before he live the  
3 building. I'm very close friends of him but  
4 as soon as he take the position in the  
5 police department, because I know him before  
6 the policeman, when he started working in  
7 the police department he have a different --  
8 working in the morning, working afternoon.  
9 I not see and he started going this thing  
10 and this thing and they move the building  
11 and I not see him no more. I no talking  
12 with him no more. I saw him when the  
13 incident happened. Before the incident  
14 happened, I don't have any communication  
15 with the family, with the wife, nobody.

16 Q. How about with him?

17 A. No, no communication.

18 Q. But, again, how could he be  
19 your friend if you had no communication with  
20 him?

21 A. Well, because I have relation  
22 with him. He went to my husband's 40th  
23 birthday party. He come to my house but I  
24 say when he take position in the police  
25 department he change the hours working. I

1 A. GOMEZ 28

2 do my business. They do his business. I do  
3 not see him. Nothing happened but I not see  
4 him. I see in the hallway because he live  
5 in my building, "Hello, hello." "I see  
6 kids. How are the kids?" I saw Marina  
7 sometimes, his wife. That's the relation  
8 that I have. He move with the building  
9 around three or four years -- two or three  
10 years. After the incident, I not see him  
11 because I not going out too much into town,  
12 Sleepy Hollow.

13 Q. When did you first meet Quinoy?

14 A. When I first -- the first time?

15 Q. Yes.

16 A. 1980 -- well, I see him because  
17 the father have little restaurant on Beekman  
18 Avenue and I went there. I see Jose. He  
19 have thirteen, fourteen years old, yeah. I  
20 know the parents, the mother, the father,  
21 all the family but specific, I don't know.  
22 He married, he moved to my building. That's  
23 when I started being friend with him around  
24 ten years, twelve years.

25 Q. Did you grow up in Sleepy

1 A. GOMEZ 29

2 Hollow?

3 A. I moved in Sleepy Hollow when I  
4 -- eighteen years old.

5 Q. What year was that?

6 A. 1982.

7 Q. When you first moved to Sleepy  
8 Hollow, who did you live with?

9 A. I live on Beekman Avenue with  
10 my cousin in front of the police department  
11 in Sleepy Hollow.

12 Q. That's an apartment building?

13 A. A house, yeah, apartment on the  
14 second floor.

15 Q. What was the address?

16 A. I think 34 or 45 Beekman  
17 Avenue. This happened a long time ago.  
18 It's the house next to the post office,  
19 White House.

20 Q. The White House?

21 A. Yes.

22 Q. That's also next to the police  
23 station?

24 A. No. They next to the post  
25 office.

1 A. GOMEZ 30

2 Q. Did you say before it was next  
3 to the police station?

4 A. In front of the police  
5 department.

6 Q. What do you mean?

7 A. The house is here, (indicating)  
8 the police department is there, across the  
9 street (indicating.)

10 Q. How long did you live in that  
11 building at Beekman Avenue?

12 A. Not too long; around five, six  
13 months.

14 Q. When you were living in that  
15 building on Beekman Avenue, did you know  
16 Jose Quinoy?

17 A. No.

18 Q. Where did you move after  
19 Beekman Avenue?

20 A. 100 Cottage Avenue.

21 Q. Who did you live with then?

22 A. My cousin.

23 Q. Who is your cousin?

24 A. Araceles, A-R-A-C-E-L-E-S,  
25 Cedenno, C-E-D-E-N-O.

1 A. GOMEZ 31

2 Q. How long did you live at 100  
3 Cottage Avenue?

4 A. I live I think one year, one  
5 year.

6 Q. Did you know Jose Quinoy when  
7 you lived at 100 Cottage Avenue?

8 A. No, I know his parents.

9 Q. Who were his parents?

10 A. The mother and the father.

11 Q. What are their names?

12 A. I know Jose father Cale,  
13 C-A-L-E.

14 Q. Do you know his mother's name?

15 A. I forgot now the name.

16 Q. How did you know them?

17 A. They have a business.

18 Q. What kind of business?

19 A. They have a little restaurant  
20 on Beekman Avenue. They sell sandwich,  
21 food.

22 Q. What's the name -- is it still  
23 there?

24 A. No.

25 Q. What was the name of it?

1 A. GOMEZ 32

2 A. I don't know the name of it.

3 Q. Where did you live after 100  
4 Cottage Avenue?

5 A. I married and I moved to 102  
6 Main Street in Tarrytown.

7 Q. 102 Main Street?

8 A. Yes.

9 Q. That's not in Sleepy Hollow;  
10 right?

11 A. No, this is Tarrytown.

12 Q. When did you get married?

13 A. I moved together. I married  
14 August 23rd, 1985.

15 Q. But you moved to 102 Main  
16 Street before you got married?

17 A. Yes, I moved together.

18 Q. That's with Mario?

19 A. Yes.

20 Q. When was your first child born?

21 A. 1984, July 13th, 1984.

22 Q. So that's before you moved to  
23 102 Main Street?

24 A. No.

25 Q. After?



1 A. GOMEZ 33

2 A. After.

3 Q. And the first child is Haydee?

4 A. Haydee.

5 Q. The next child?

6 A. Stephanie, 1989.

7 Q. And Bridgette?

8 A. 19 -- Stephanie, 1988;

9 Bridgette, 1989.

10 Q. When did you first meet Quinoy,  
11 Jose Quinoy?

12 A. In the restaurant. I saw  
13 there, and I started talking with him when  
14 he driving taxi for McCarthy Taxi and I  
15 called a taxi and he bring me to the doctor  
16 appointment with my kids. That's when I  
17 started talking with him. I saw him when he  
18 was little in his father's business but I  
19 really talk little kids. I started talking  
20 with him when he give me -- I call taxi and  
21 he bring me to the doctor, he bring me to  
22 the supermarket, something like that.

23 Q. When was that that he was  
24 taking you to the doctor and supermarket?

25 A. He drive taxi.

1 A. GOMEZ 34

2 Q. When was that?

3 A. Around -- I'm not sure; 1990,  
4 something like that. I'm not sure. At the  
5 time I not put attention about that.

6 Q. You think it was in the 1990's?

7 A. In the 19 something because I  
8 have my daughters.

9 Q. How old was he when you first  
10 saw him or how old did he look?

11 A. I'd say thirteen, twelve,  
12 something like that.

13 Q. When he worked in the  
14 restaurant, you think he was twelve or  
15 thirteen?

16 A. I didn't say he work in the  
17 restaurant. I saw in the restaurant, you  
18 know, with the parents but I not say he  
19 working because I'm not sure he working  
20 there.

21 Q. When you saw him in the  
22 restaurant, whatever he was doing, you think  
23 he was twelve or thirteen?

24 A. Twelve, thirteen, yeah.

25 Q. Then --

1 A. GOMEZ 35

2 A. Because this happened around  
3 1984, '85, something like that.

4 Q. What happened?

5 A. I went in the restaurant. He  
6 had to be thirteen, twelve years, something  
7 like that, yeah.

8 Q. Then when he was driving a  
9 taxi --

10 A. Yes.

11 Q. -- how old was he?

12 A. I'd say early -- nineteen,  
13 twenty.

14 Q. Did your husband meet him?

15 A. At the time, I don't know --  
16 well, he know because they Cuban and all  
17 community --

18 MS. MARINELLI: Just try and  
19 answer the question.

20 Q. Who is Cuban?

21 A. Mario and Jose.

22 Q. Are you Cuban?

23 A. No.

24 Q. What are you?

25 A. Dominican.

1 A. GOMEZ 36

2 Q. As far as you could see, is the  
3 Cuban community in Sleepy Hollow a close  
4 knit community?

5 A. Yeah, they most -- everybody  
6 know everybody there, yeah.

7 Q. 102 Main Street is an apartment  
8 building?

9 A. It's a house, two apartments.  
10 I live on first floor at the time.

11 Q. Is that the building that  
12 Quinoy moved into?

13 A. No.

14 Q. Where did you live after 102  
15 Main Street?

16 A. I moved for one year Hudson  
17 Street -- yes, I moved -- I lived on Hudson  
18 for six months, something like that and I  
19 live on Jones Street after Hudson one year  
20 and I moved to Hudson Street. I lived on  
21 Hudson Street for five, six months and then  
22 I moved to the building and I stay in the  
23 building.

24 MR. SOKOLOFF: Can you read  
25 that back?

1 A. GOMEZ 37

2 (Whereupon, the reporter read  
3 back the requested material.)

4 Q. Where on Hudson Street did you  
5 move to after Main Street?

6 A. Main Street, I moved to John  
7 Street first and then John, I moved to  
8 Hudson.

9 Q. Where on John Street?

10 A. The number, I not remember the  
11 number and Hudson is 20. John, I not  
12 remember.

13 Q. Is John Street in Sleepy  
14 Hollow?

15 A. No, it's in Tarrytown.

16 Q. You lived in the house on John  
17 Street for how long?

18 A. In Hudson I live --

19 Q. No, no, John Street.

20 A. Oh, around one year.

21 Q. After John Street you moved to  
22 20 Hudson Street?

23 A. Yes.

24 Q. How long did you live there?

25 A. Five, six months.

1 A. GOMEZ 38

2 Q. After that you moved to John  
3 Street?

4 A. No, I moved to River Plaza and  
5 I stay there until today.

6 Q. That's where you are today?

7 A. Yes.

8 Q. River Plaza?

9 A. Yes, 1 River Plaza.

10 Q. That's an apartment building?

11 A. Apartment 4E.

12 Q. You've been in the same  
13 apartment the whole time?

14 A. No, first I moved in 4D and I  
15 change to 4E.

16 Q. When did you change to 4E?

17 A. Around -- let me see --  
18 fourteen years something like that.

19 Q. Fourteen years ago?

20 A. Yes. I change because I have  
21 two bedroom and I move apartment to three  
22 bedroom; next door. It's same floor and  
23 everything.

24 Q. When you moved to 1 River  
25 Plaza, was Quinoy living there?

1 A. GOMEZ 39

2 A. No.

3 Q. When did Quinoy move in?

4 A. Let me see -- I live long time  
5 before he move. I never really remember but  
6 -- he live on the fifth floor.

7 THE WITNESS: What happened in  
8 hurricane in Florida?

9 Q. Andrew?

10 A. Yes. Around that time he move  
11 in the building. I'd say two, three months  
12 later.

13 Q. How do you remember that Quinoy  
14 moved into the building when there was a  
15 hurricane in Florida?

16 A. Because my friend lived there  
17 and they moved to Florida and Quinoy take  
18 the apartment. That's why I made it a  
19 relation.

20 Q. If I tell you Hurricane Andrew  
21 hit Florida in 1989, would that sound right?

22 A. I don't know. I think. I  
23 don't know. I don't know. I don't know  
24 exactly what year but I know the relation  
25 because my friend moved and he take

1 A. GOMEZ 40

2 apartment of my friend at the time they  
3 moved and it happened hurricane.

4 Q. What apartment did he move in?

5 A. 5H, I think -- yes, I think 5H.  
6 I not remember now.

7 Q. How many floors are in the  
8 building?

9 A. Nine floors.

10 Q. There's an elevator?

11 A. Yes.

12 Q. When Quinoy moved in, did he  
13 move in with anybody?

14 A. With his wife.

15 Q. Who is his wife?

16 A. Marina.

17 Q. Did you know her before she  
18 moved into the building?

19 A. No, no.

20 Q. You didn't go to his wedding,  
21 did you?

22 A. No.

23 Q. When he moved in, did he have  
24 any children?

25 A. Yes, I think Michael. They



1 A. GOMEZ 41

2 have one son at the time.

3 Q. When they moved in?

4 A. Yes.

5 Q. How old was Michael when they  
6 moved in?

7 A. Not a year because I went  
8 Michael's first year birthday.

9 Q. You went to Michael's first  
10 birthday party?

11 A. Yes.

12 Q. Who invited you to Michael's  
13 first birthday party?

14 A. I'd say both.

15 Q. You got a written invitation?

16 A. Yes.

17 Q. How did you meet Jose and  
18 Marina when they moved in?

19 A. I know for my friend Iliana.  
20 She's friend with Marina and I see Marina  
21 when she come to Iliana's house and we start  
22 talking in the building, in the laundry  
23 room, you know.

24 Q. Does Iliana live in the  
25 building, too?

1 A. GOMEZ 42

2 A. No, she moved to Florida.

3 Q. But at the time she lived in  
4 the building?

5 A. Yes, on the fifth floor, too.

6 Q. Now, when Jose moved in, you  
7 had three children; right?

8 A. Yes.

9 Q. How old were your children when  
10 Jose moved in?

11 A. What year you say is Andrew  
12 around -- my daughter is around, I think  
13 ten, eleven, something like that because  
14 when --

15 Q. Who, Haydee?

16 A. Haydee. I'd say around eleven.

17 Q. How old was Jose when they  
18 moved in?

19 A. Twenty something.

20 Q. Did you go to Michael's first  
21 birthday party with your whole family?

22 A. Yes.

23 Q. Your three daughters, too?

24 A. Yes, and my husband, too.

25 Q. When did Jose move out of the

1 A. GOMEZ 43

2 building?

3 A. I'm not sure. I'd say about  
4 maybe three or four years.

5 Q. In the past, three or four  
6 years ago?

7 A. Yes, three or four years ago,  
8 maybe more. I'm not sure; yeah, maybe more.

9 Q. Do you know why he moved out of  
10 the building?

11 A. They buy a house.

12 Q. Did you stay friends with them  
13 from the time they moved in the building  
14 until the time that Jose left?

15 A. No.

16 Q. Jose left, he left with his  
17 whole family?

18 A. Yes, he move with the kids and  
19 his wife.

20 Q. How many kids did he have when  
21 he moved?

22 A. Three.

23 Q. Michael was the first?

24 A. Michael's the first and two  
25 more boys. I don't remember their names.

1 A. GOMEZ 44

2 Q. So, he had three boys and you  
3 had three girls?

4 A. Yes. I think one is Michael,  
5 Christopher and I forgot the other one. I'm  
6 not sure.

7 Q. And he was still married to  
8 Marina when he moved?

9 A. Yes.

10 Q. You were not friends with him  
11 at the time he moved?

12 A. Let me tell the truth. I  
13 started more be friends with him when they  
14 started having problem with Marina and Jose  
15 and he move the building and he come back to  
16 the building. That's when I not go to her  
17 house no more. I stay my distance because  
18 they have a lot of problem between Marina  
19 and Jose, and he moved to Washington Street  
20 in the little building. I don't know the  
21 name. It's two buildings together. I know  
22 Jose moved there. I don't know for how long  
23 and he come back to the building. They have  
24 a lot of problems between Marina and Jose.  
25 That's one of the reasons I not continue be

1 A. GOMEZ 45

2 close with Marina and Jose.

3 Q. So, he moved out of the  
4 building to Washington Street and then he  
5 came back?

6 A. Yes.

7 Q. How long was he gone?

8 A. I don't know because at the  
9 time I know happened but I'm not talking too  
10 much with Marina and I don't know how long  
11 he stay out of the house, but I know  
12 happened. That's one of the reasons that I  
13 stop, you know, she's involved in her  
14 problem and I'm going to stay away.

15 Q. How do you know that they were  
16 having problems?

17 A. Everybody know in the building  
18 because she threw the clothes on the floor  
19 in the hallway and she fight with somebody  
20 at the YMCA for her husband cheating. She  
21 fight in the YMCA with another woman in  
22 Tarrytown and everybody know about that.  
23 Remember, it's a building.

24 Q. Was her apartment right above  
25 yours?

1 A. GOMEZ 46

2 A. No, I live in the corner at the  
3 time it happened and she living in the  
4 middle of the building and they move to the  
5 ninth floor. When he have two more boys  
6 they changed the apartment to 9E.

7 Q. When he moved to 9E, were you  
8 in 4E?

9 A. Yes, yes.

10 Q. Was your friend Iliana friends  
11 with the Quinoys?

12 A. No, she move at the time to  
13 Florida. She move around ten years, nine  
14 years to Florida.

15 Q. Did any of your three girls  
16 play with any of the Quinoy boys?

17 A. Yes, sometimes they come to my  
18 house, play with my kids. They eat in my  
19 house. That's the relation that I have.

20 Q. Which one of the Quinoy boys  
21 came and ate at your house?

22 A. Michael. I'm very close when  
23 they only have Michael. When they have the  
24 two little, I'm not very close. They not  
25 coming to my house, something like that.

1 A. GOMEZ 47

2 They went with me to the pool together. I  
3 went to Marina's sister's birthday at the  
4 time.

5 Q. What is the age difference  
6 between Michael and Haydee?

7 A. Michael is maybe twelve,  
8 something like that, twelve years old and  
9 Haydee is twenty-four in July, you know.  
10 The relation is cute; boy come into my  
11 house, stay and Bridgette play with Michael.  
12 Everything is funny because they little.  
13 That's the relation they have, not really a  
14 friend because the age is very different.

15 Q. After Jose moved into the  
16 building, what relationship did Mario Gomez  
17 have with Jose Quinoy?

18 MS. MARINELLI: Just objection.  
19 You can answer.

20 A. Like me.

21 Q. When Jose had problems with his  
22 wife, your husband Mario also didn't have  
23 anything to do with them?

24 A. No, no. The relation they have  
25 --

1 A. GOMEZ 48

2 MS. MARINELLI: There is no  
3 question now.

4 MR. SOKOLOFF: Maybe she's  
5 answering the previous --

6 A. The relation I know they have  
7 is see in the bar, Jose pay beer for Mario,  
8 Mario pay beer for Jose, but not close.  
9 That's the relation they have.

10 Q. That's when they were living in  
11 the building?

12 A. When they start having problem,  
13 Marina and Jose. That's the relation they  
14 have. Mario see in the bar, I pay the bill  
15 for you, you pay the bill for me. That's  
16 the relationship they have. Not continue  
17 the business or something out together,  
18 something like that, like me.

19 Q. What bar did your husband see  
20 Jose in?

21 A. I don't know anything about  
22 Mario and Jose. That's what I think. I  
23 can't say nothing about Mario and Jose  
24 because -- I can't say nothing about that.

25 Q. Why did you just say they



1 A. GOMEZ 49

2 bought each other beers in a bar?

3 A. Because Mario told me one day,  
4 "Oh, I saw Jose in the bar. He pay me beer,  
5 I pay beer," like that, comments like that.  
6 I never went in the bar in Tarrytown or  
7 nowhere, and he made comments, you know,  
8 Jose -- "I pay beer for Jose," comments like  
9 that, normal comments. That's what I say  
10 now about that.

11 Q. Before Jose moved out of the  
12 building -- it was one-time that Jose moved  
13 out of the building and then came back?

14 A. That I know, yes.

15 Q. He moved to a house --

16 A. No, he moved a little building.

17 MS. MARINELLI: He's not  
18 finished with the question yet,  
19 Awilda. Wait until he finishes the  
20 question.

21 Q. When he moved out for good, he  
22 moved to a house?

23 A. No, that's a little building,  
24 twin building, three floor.

25 Q. You know where he moved to?

1 A. GOMEZ 50

2 A. Now -- at the time in  
3 Washington but I don't know the apartment.  
4 I don't know nothing -- Washington Street.  
5 I know the building but I don't know the  
6 name of the building.

7 Q. When he moved, he moved with  
8 his whole family?

9 A. No, only him.

10 Q. His wife stayed in the  
11 building?

12 A. Yes.

13 Q. Then he came back?

14 A. Yes.

15 Q. Then later on the whole family  
16 moved?

17 A. Not later on; past year, couple  
18 years and that's when they move to the house  
19 that they buy.

20 Q. The whole family moved together  
21 to a house?

22 A. Yes.

23 Q. When was that, three or four  
24 years ago?

25 A. Three or four years ago. I'm

1 A. GOMEZ 51

2 not sure; maybe five, but around five, four  
3 years.

4 Q. Did you know before they moved  
5 to the house that they were going to move?

6 A. No.

7 Q. How did you find out that they  
8 moved?

9 A. Everybody talk they moved to  
10 the house and you see the people when they  
11 going out. That's the building.

12 Q. Did he say good-bye to you?

13 A. No, because sometimes you --  
14 the moment people move, you see. You not  
15 there. You no see nothing, you know.

16 Q. But he didn't call you or write  
17 you?

18 A. No, no, no, no.

19 Q. After he and his family moved  
20 to the house, did you ever speak to him  
21 again before October of 2006?

22 A. I talking one-time or two times  
23 with Marina in the basement and I talking  
24 with Jose about car because I buy a minivan  
25 and he asked me simple question, not

1 A. GOMEZ 52

2 conversation I go to the house or something  
3 like that. I say hello and I see in the  
4 parking lot. One time I find credit card  
5 Marina lose in the parking lot and I find  
6 and I give it to him, but normal things, not  
7 conversation.

8 Q. When he moved out to a house,  
9 right, why was his wife in the basement?

10 A. Making laundry and she talking  
11 with me.

12 Q. She didn't live there anymore?

13 A. No, she not live there anymore.

14 Q. She came back to the building  
15 to do her laundry?

16 A. No, no, I talking before.

17 Q. I'm talking after.

18 A. After, I not see Marina no  
19 more. I see one or two times in the street,  
20 "Hi, hi," and that's it.

21 Q. How about Jose?

22 A. I see Jose when he working  
23 around the town but I don't have  
24 conversation.

25 Q. What work, as a police officer?

1 A. GOMEZ 53

2 A. Yes. The last time that I  
3 talking with Jose that's in Sleepy Hollow  
4 High School at Stephanie's graduation. He  
5 was there. I remember. When graduation  
6 finished, he was there and he say hello to  
7 me and that's it. That's the last time I  
8 talking with Jose.

9 Q. How about Marina?

10 A. Marina?

11 Q. When she moved, did you see her  
12 anymore?

13 A. No.

14 Q. Did you talk to her on the  
15 phone?

16 A. No, no.

17 Q. After the Quinoy family moved,  
18 after, did any of your daughters speak to  
19 anybody in the Quinoy family?

20 A. My daughter, Haydee, speak with  
21 Jose.

22 Q. How do you know that?

23 A. Because she told me and I see  
24 in the cell phone building and she told me  
25 that she friends with Jose.

1 A. GOMEZ 54

2 Q. When he did she first tell you  
3 she was friends with Jose?

4 A. I not remember.

5 Q. What did you say to her when  
6 she told you she was friends with Jose?

7 A. That she saw Jose and she say  
8 hello and she talking with Jose, but she not  
9 explain why she was talking. She only say  
10 she saw Jose and that's it.

11 Q. Did your daughter talk to Jose  
12 on the telephone?

13 A. That I know, yes, one-time but  
14 I don't know -- my daughter is old. I no  
15 put attention about who call my daughter or  
16 who my daughter call, you know.

17 MS. MARINELLI: Just answer the  
18 question.

19 A. I don't know.

20 Q. She did or you don't know?

21 A. Maybe she did one-time, two  
22 times. I don't know how many but I don't  
23 know too much about my daughter's friends.

24 Q. Wait. Either you don't know at  
25 all or you know that they spoke once or you

1 A. GOMEZ 55

2 know they spoke twice; just tell me what it  
3 is.

4 A. Maybe they spoke one or two  
5 times.

6 Q. When you say maybe, does that  
7 mean you know they spoke one or two times?

8 A. Yes, yes.

9 Q. Why do you say maybe?

10 A. I say maybe because I not  
11 really know how many times, but they talk.

12 Q. How do you know they talked on  
13 the phone?

14 A. Because she tell me, my  
15 daughter tell me.

16 Q. What did she say about her  
17 talking to Jose on the phone?

18 MS. MARINELLI: Just note my  
19 objection.

20 A. She say, "Oh, I talk with Jose.  
21 I saw Jose," but Jose is a friend of mine  
22 and my family. I don't see nothing wrong  
23 about that, you know.

24 Q. Did your husband find out that  
25 your daughter was talking to Jose?

1 A. GOMEZ 56

2 A. My husband is not find out.

3 MS. MARINELLI: Just answer the  
4 question, Awilda.

5 A. He know because somebody tell  
6 Haydee talking with Jose but he not find  
7 because he checking the bills or something  
8 like that.

9 MR. SOKOLOFF: Read that back.

10 (Whereupon, the reporter read  
11 back the requested material.)

12 Q. Somebody told your husband that  
13 Haydee was talking to Jose?

14 A. Yes.

15 Q. How do you know that?

16 A. He tell me.

17 Q. He is your husband?

18 A. Yes.

19 Q. What did he say?

20 A. He say, "Oh, you know Haydee is  
21 friends with Jose? They talking," and I  
22 say, "Yeah, she told me," and that's it.  
23 The conversation was finished.

24 Q. Who did your husband say told  
25 him?



1 A. GOMEZ 57

2 A. I don't know. He not say.

3 Q. Did your husband ever talk to  
4 Haydee about her being friends with Jose?

5 MS. MARINELLI: Just note my  
6 objection.

7 A. Not from me.

8 Q. Did you ever find out about it  
9 afterwards?

10 MS. MARINELLI: Objection.

11 A. Did I find -- that's what  
12 happened on October 17th. That's what I  
13 know they friends. I don't know nothing  
14 about that and I don't know Mario know  
15 nothing. I don't know.

16 Q. Your husband Mario was a New  
17 York City corrections officer?

18 A. Yes.

19 Q. When did he become a  
20 corrections officer?

21 A. He started July 14th -- I'm not  
22 sure 14th-- I think -- June or July 27th,  
23 1984 he started.

24 Q. Where did he work, Riker's  
25 Island?

1 A. GOMEZ 58

2 A. He working at Riker's and  
3 working in the Bronx in supreme court.

4 Q. How tall is your husband?

5 A. Five ten.

6 Q. In October of 2006, how much  
7 did he weigh?

8 A. In 2006, a hundred something, a  
9 hundred sixty something.

10 Q. How old was he in October 2006?

11 A. Forty-nine.

12 Q. In October 2006, was he still a  
13 corrections officer?

14 A. No.

15 Q. What happened?

16 A. He retired.

17 MS. MARINELLI: Objection.

18 Q. When did he retire?

19 MS. MARINELLI: Objection.

20 A. 2002, something like that,  
21 2001. I not remember.

22 Q. Did he put in twenty years on  
23 the job?

24 MS. MARINELLI: Just objection.

25 A. I don't -- I not remember. I

1 A. GOMEZ 59

2 don't know how many he made. He not do

3 twenty years.

4 Q. He didn't do twenty years?

5 A. No, no -- I don't know about

6 that, let me tell you the truth.

7 Q. So, he didn't get a pension?

8 A. Yeah, he have a pension.

9 Q. Was it a disability pension?

10 MS. MARINELLI: Just objection.

11 A. Yeah, he have disability

12 pension.

13 Q. Did he have any kind of an

14 injury?

15 A. He have a problem in the liver.

16 Something happened when he worked in B5 and

17 somebody hit in the liver and he have

18 damage, something like that.

19 Q. He got hit in the liver?

20 A. Yes, and he have problem in the

21 liver, too.

22 Q. Was he sick?

23 A. Now, no.

24 Q. No, is that why he retired

25 because he got sick?

1 A. GOMEZ 60

2 MS. MARINELLI: Just objection.

3 A. Yes.

4 Q. What kind of sickness did he  
5 have?

6 MS. MARINELLI: Just objection.

7 A. Well, he have problem in the  
8 liver. That's what I know.

9 Q. How do you know he had a  
10 problem in the liver?

11 A. The papers with the doctor and  
12 that's what he told me that he have a  
13 problem with the liver.

14 Q. When did he tell you that?

15 A. When he went to the doctor.

16 Q. When was that?

17 MS. MARINELLI: Just objection.

18 A. In 2000 something, like that.

19 Q. Did he go to the doctor because  
20 he wasn't feeling well?

21 A. Yes.

22 MS. MARINELLI: Again,  
23 objection to this whole line of  
24 questioning.

25 Q. Did your husband have

1 A. GOMEZ 61

2 Hepatitis-C?

3 A. Yes.

4 Q. When did he find out about  
5 that?

6 A. Good question. I don't know.

7 Q. When did he tell you?

8 A. I find it --

9 MS. MARINELLI: Just when did  
10 he tell you, do you know?

11 A. I don't know. I no remember.

12 Q. As far as you know, did your  
13 husband have psychological problems?

14 MS. MARINELLI: Objection.

15 A. I not say psychological. He  
16 have problem where he find he is Hepatitis,  
17 you know, like somebody say he have seizure.  
18 He coming down, he feel bad or whole  
19 situation. He feel at the age he want to  
20 continue to work and he feel depressed, he  
21 feel like that because before he never have  
22 a problem with psychological problem. He  
23 never went psychiatric. He never went on  
24 medication. Everything happen at the time  
25 he have to get out with the department and

1 A. GOMEZ 62

2 now he's fine. The years that I live with  
3 him he's depressed for the situation, not  
4 because he's crazy or something like that.

5 Q. Depressed because he was sick?

6 A. Depressed because the type of  
7 sick that he have.

8 Q. Did your husband carry a gun?

9 A. No.

10 Q. When he was a corrections  
11 officer, did he carry a gun?

12 A. Yes.

13 Q. Did he stop carrying a gun?

14 A. Yes.

15 Q. When did he stop carrying a  
16 gun?

17 A. When he sick.

18 Q. Why did he stop carrying a gun,  
19 if you know?

20 MS. MARINELLI: Just objection.

21 A. He didn't feel well and  
22 department coming and take it.

23 Q. The department took his gun?

24 A. Yes, for, you know, he's  
25 depressed. Maybe they do it for protect

1 A. GOMEZ 63

2 him, something like that, but they take it  
3 and I never listen anything about that. I  
4 never call, I never ask for the gun back.  
5 He no want to anyway.

6 Q. Did he visit with a corrections  
7 department psychiatrist?

8 MS. MARINELLI: Just objection.

9 A. No, he have interview with  
10 corrections department psychiatrist but he  
11 not visit.

12 Q. He had an interview with the  
13 corrections department psychiatrist?

14 A. When he sick.

15 Q. How do you know he had an  
16 interview with the corrections department  
17 psychiatrist?

18 A. I give the ride.

19 Q. You gave him a ride?

20 A. Yes, the department do  
21 evaluation.

22 Q. They did a psychological  
23 evaluation on him?

24 MS. MARINELLI: Note my  
25 objection.

1 A. GOMEZ 64

2 A. Not evaluation. They talking  
3 with somebody. They want to see everything  
4 around him before they terminate, put out  
5 the department with disable because they  
6 continue to pay and they want to be sure  
7 everything, you know, that everything  
8 affecting him and they want to be sure what  
9 is really that they have. That's when they  
10 do it but they do it one-time. I bring  
11 there, he talk with somebody and he come  
12 home with me.

13 Q. Did you take him to Leprac  
14 (ph.) City in Queens?

15 A. Excuse me?

16 Q. When you went down to the  
17 corrections department, was that in Queens?

18 A. No.

19 Q. Where was it?

20 A. To see the doctor, I saw the  
21 doctor in Manhattan.

22 Q. Did you talk to the doctor?

23 A. Yes.

24 Q. And he asked you questions  
25 about Mario?



1 A. GOMEZ 65

2 A. Yes.

3 Q. And you told him things?

4 A. Yes.

5 Q. Did anybody else at the  
6 corrections department talk to you about  
7 Mario?

8 A. Not really.

9 Q. What was the name of the doctor  
10 that you spoke to?

11 A. I don't know. I don't know the  
12 lady doctor.

13 Q. Did you ever find out how your  
14 husband got Hepatitis-C?

15 MS. MARINELLI: Just objection.

16 A. That, I think I remember they  
17 have big fight in the corrections department  
18 and they come in gloves, all the place.  
19 Before they not use gloves. They not use  
20 nothing. That's where I think they find it  
21 because the way they find it is for drug or  
22 something like that. He never use drug.  
23 Nobody in my house have it, only him.  
24 That's what I think happened with him.  
25 That's where they give disabled that they

1 A. GOMEZ 66

2 give you because they find maybe or he  
3 taking the job where he working.

4 Q. Would you say that your husband  
5 had a bad temper?

6 A. No.

7 MS. MARINELLI: Objection.

8 A. I not say.

9 Q. Did you ever see him get  
10 violent at all?

11 A. No, not bad temper.

12 Q. Did you have a 40th birthday  
13 party for your husband?

14 A. Yes.

15 Q. When was that?

16 A. He's fifty; ten years ago.

17 Q. Where was it?

18 A. In Hilton Hotel in Tarrytown.

19 Q. How many people were there?

20 A. Sixty, sixty-five.

21 Q. Was it a surprise party?

22 A. What?

23 Q. Surprise party?

24 A. Surprise, but he find the day  
25 before. It supposed to be a surprise but he

1 A. GOMEZ 67

2 know that day.

3 Q. You invited all the people?

4 A. Yes. I do everything. I  
5 invite all the people. I rent the -- I do  
6 everything.

7 Q. Did you invite Jose Quinoy?

8 A. Yes.

9 Q. Why?

10 A. At the time he's very close  
11 with me. He's my friend and I invite him.

12 Q. He was very close with you?

13 A. Oh, yes. I visit his house, he  
14 visit my house at the time.

15 Q. Do you have any pictures or  
16 videos from that party?

17 A. Yes.

18 Q. Do you remember if Jose got  
19 your husband a gift?

20 A. Yes.

21 Q. What did he get him?

22 A. A jacket.

23 Q. A jacket?

24 A. Yes, Navy blue jacket for  
25 raining, water proof.

1 A. GOMEZ 68

2 Q. Was Jose' whole family there?

3 A. No, Jose, his wife.

4 Q. After Jose moved out of the  
5 building, did you ever see your daughter  
6 Haydee talking to Jose?

7 A. No.

8 Q. Did your husband ever tell you  
9 that he saw Jose talking to Haydee?

10 A. Yes.

11 MS. MARINELLI: Just objection.

12 Q. What did your husband say about  
13 that?

14 MS. MARINELLI: Objection.

15 A. He tell me that he saw Haydee  
16 talking with Jose, nothing special, nothing  
17 -- "Oh, I saw Haydee talking to Jose." I no  
18 remember for what reason and they talking  
19 and Mario leave; normal things.

20 Q. He saw them talking on the  
21 street?

22 A. I think in the street, yes. I  
23 not remember -- yeah, I think in the street.

24 Q. Did he say where he saw them?

25 A. No. He no made a big deal

1 A. GOMEZ 69

2 about that; simple conversation.

3 Q. Did anybody tell you that  
4 Haydee and Jose were dating?

5 A. No.

6 Q. Did anybody tell your husband  
7 that you're aware of that Haydee and Jose  
8 were dating?

9 MS. MARINELLI: Just objection  
10 and I'm going to ask her not to  
11 answer that. You're constantly  
12 asking her about Mario and what he  
13 knows. I'm going to object and this  
14 is about her and related to qualified  
15 immunity so I'm going to object and  
16 direct her not to answer that.

17 MR. SOKOLOFF: You're directing  
18 her not to answer?

19 MS. MARINELLI: Yes.

20 MR. SOKOLOFF: Are you  
21 asserting a privilege?

22 MS. MARINELLI: I don't have to  
23 assert a privilege. You're way  
24 beyond the scope of what this  
25 deposition is supposed to be. If you

1 A. GOMEZ 70

2 want to call the court, you can. I  
3 allowed a lot of leeway about the  
4 corrections officer and corrections  
5 department which has nothing to do  
6 with qualified immunity.

7 MR. SOKOLOFF: What do you  
8 think qualified immunity is  
9 restricted to?

10 MS. MARINELLI: To her, her  
11 actions with --

12 MR. SOKOLOFF: It's one  
13 incident with her and her husband.

14 MS. MARINELLI: No, it's with  
15 her and Jose Quinoy.

16 MR. SOKOLOFF: We'll call the  
17 court.

18 MS. MARINELLI: I think maybe  
19 we should because you already deposed  
20 Mario Gomez. I think you're trying  
21 to use this deposition to knock out  
22 that case and I object.

23 MR. SOKOLOFF: All right, let's  
24 call the court.

25 MS. MARINELLI: I don't

1 A. GOMEZ 71

2 understand what it has to do who told  
3 her husband about dating. I think we  
4 probably should.

5 Who is the magistrate?

6 MR. SOKOLOFF: I don't know.

7 MS. MARINELLI: Was this given  
8 to a magistrate?

9 MR. SOKOLOFF: I don't know.  
10 The Complaint says it's Judge Bryant.

11 MS. MARINELLI: Right, it does  
12 and I know there was an appearance  
13 before Judge Bryant. I don't know if  
14 he -- I know Judge Bryant has been  
15 referring his cases.

16 MR. SOKOLOFF: What's that?

17 MS. MARINELLI: I know he's  
18 been referring his cases to  
19 magistrates.

20 MR. SOKOLOFF: He's ill, right?

21 MS. MARINELLI: Off the record.

22 (Whereupon, a discussion was  
23 held off the record.)

24 MR. SOKOLOFF: Read back the  
25 question.

1 A. GOMEZ 72

2 (Whereupon, the reporter read  
3 back the requested material.)

4 MS. MARINELLI: Over objection.  
5 I'll let you answer it. If it  
6 continues, we'll have to call Judge  
7 Bryant.

8 Do you remember the question,  
9 Awilda?

10 THE WITNESS: Repeat again.

11 MR. SOKOLOFF: She'll repeat  
12 it.

13 (Whereupon, the reporter read  
14 back the requested material.)

15 A. What you want to know before  
16 the incident, after the incident?

17 MS. MARINELLI: Before the  
18 incident he's talking about.

19 A. No, he not say anything to me  
20 about that.

21 Q. Something happened on that --  
22 after the incident?

23 A. No.

24 Q. Did anybody tell you that  
25 Quinoy was bragging that your daughter was



1 A. GOMEZ 73

2 paying for drinks and food for him in a  
3 restaurant or a bar?

4 A. No, nobody told me.

5 Q. Did your husband tell you that  
6 anybody told him that?

7 A. No.

8 Q. Do you know somebody named Joe  
9 Cotaral, C-O-T-A-R-A-L of the Sleepy Hollow  
10 Police Department?

11 A. Do I know him?

12 Q. Do you know who he is?

13 A. Yes.

14 Q. Who is he?

15 A. A policeman in Sleepy Hollow,  
16 one of Mario's friends but he have no  
17 connection with me.

18 Q. He's one of your husband's  
19 friends?

20 A. Yeah.

21 Q. How do you know that?

22 A. They grow up together. I see  
23 pictures together in their house but I don't  
24 know anything about him and -- between him  
25 and Mario. I don't know nothing about that.

1 A. GOMEZ 74

2 Q. He grew up with your husband in  
3 Cuba?

4 A. No, here. That's only what I  
5 know.

6 Q. You saw pictures of your  
7 husband with Joe Cotaral?

8 A. Yes, when they was little.

9 Q. Where did you see those  
10 pictures?

11 A. In Mario's mother's house.

12 Q. How did you know that was Joe  
13 Cotaral of the Sleepy Hollow Police  
14 Department?

15 A. How did I know him?

16 Q. How did you know the kid in the  
17 picture was Joe Cotaral of the Sleepy Hollow  
18 Police Department?

19 MS. MARINELLI: Objection.

20 A. They friends with him. I see  
21 in the album and I say, "Oh, who is that,  
22 who is that?" That's the only way, you  
23 know.

24 Q. Did you ever speak to him?

25 A. With Jose?

1 A. GOMEZ 75

2 Q. No, Joe Cotaral?

3 A. Speak what?

4 Q. Ever talk to him?

5 MS. MARINELLI: Just ever?

6 MR. SOKOLOFF: Yes.

7 A. Oh, yeah, "Hi, how are you?"

8 That's it, not close friends or something

9 like that. He's not my friend.

10 Q. Did he ever talk to your

11 husband about Haydee and Jose Quinoy?

12 A. I don't know about that.

13 Q. Your husband never told you?

14 A. No, no.

15 Q. Did your husband Mario ever

16 talk to Haydee about her being friends with

17 Quinoy?

18 A. I don't know.

19 MS. MARINELLI: Just answer the

20 question.

21 A. I don't know. No, I don't

22 know.

23 Q. You don't know or no, he

24 didn't?

25 A. No, I don't know they have

1 A. GOMEZ 76

2 conversation about that. I don't know  
3 nothing about that.

4 Q. Neither one of them, your  
5 husband didn't tell you that they spoke and  
6 your daughter didn't tell you that they  
7 spoke?

8 A. No, no.

9 Q. October 17th, 2006 was a  
10 Tuesday; right?

11 A. Yes.

12 Q. And you were home?

13 A. I went in my friend's house in  
14 the building.

15 Q. What friend?

16 A. Yolanda.

17 Q. What is Yolanda's last name?

18 A. Ania, A-N-I-A.

19 Q. What time did you go to  
20 Yolanda's house?

21 A. 8:00, 8:30.

22 Q. In the morning?

23 A. In the night.

24 Q. You were home during the day?

25 A. Me?

1 A. GOMEZ 77

2 Q. Yes.

3 A. Yes, yes.

4 Q. Was your husband home, Mario?

5 A. Yes.

6 Q. He was in the house all day?

7 A. Yes, with me.

8 Q. When you were at Yolanda's  
9 house on October 17th, 2006, did you get a  
10 phone call from your husband, Mario?

11 A. Yes.

12 Q. Did he call you -- what phone  
13 did he call you on?

14 A. He call me to my cell phone.

15 Q. What is your cell phone number?

16 A. At the time I change.

17 Q. Do you remember what your phone  
18 number was at the time?

19 A. No, I never know my phone  
20 number.

21 Q. What did your husband say on  
22 the phone when he called you?

23 A. He call me and he say he  
24 watched the game, the Mets, that's the World  
25 Series and he say Jose Quinoy call me and he

1 A. GOMEZ 78

2 leave message that he want to talk to me. I  
3 don't know what he want to talk to me and I  
4 say to him because when he watch TV he no  
5 take the phone. I say, "Oh, he call you  
6 again take the phone and see where he went.  
7 He call again and you take the phone."

8 Q. Your husband was watching the  
9 ball game; right?

10 A. Yes, the World Series.

11 Q. The Mets weren't in the World  
12 Series in 2006, believe me.

13 A. The Mets.

14 Q. Not in 2006.

15 A. Oh, he see the playoffs,  
16 something. I know he saw the game, the  
17 baseball. I'm not too interested about  
18 that.

19 Q. Your husband said he got a  
20 phone message from Quinoy?

21 A. Yes.

22 Q. Did he get the phone message on  
23 his home phone or on his cell phone?

24 A. Cell phone.

25 Q. Do you know how Jose Quinoy had

1 A. GOMEZ 79

2 your husband's cell phone number?

3 A. I don't know.

4 Q. Did he tell you what the  
5 message said?

6 A. He want to talk. He give the  
7 phone number and call me back.

8 Q. Your husband called you because  
9 he got a message from Jose?

10 MS. MARINELLI: Well,  
11 objection. That's what she told you.  
12 He called her.

13 What is your question?

14 Q. Your husband, when your husband  
15 spoke to you on the phone, he told you he  
16 got a phone message from Quinoy?

17 MS. MARINELLI: Just objection.  
18 You can answer.

19 A. Yes.

20 Q. All the message said was that  
21 he wanted to talk to him?

22 MS. MARINELLI: Just objection.

23 A. Yes.

24 Q. What did you tell your husband?

25 A. He not take the phone when he

1 A. GOMEZ 80

2 watch TV. I said, "Well, he call you again  
3 take the phone and see what he want" because  
4 I don't know what he wants. He don't know  
5 what he wants and he call again.

6 MS. MARINELLI: Just answer the  
7 question.

8 Q. When you say he called again,  
9 was Jose's second call after your husband  
10 called you?

11 A. Yes.

12 Q. So, your husband called you  
13 twice?

14 A. No, only one-time.

15 Q. Well --

16 A. He received --

17 MS. MARINELLI: There is no  
18 question, Awilda.

19 Just try to listen to his  
20 questions, okay.

21 Q. What time did your husband call  
22 you when you were at Yolanda's house?

23 A. Around 9:00.

24 Q. How long did you stay at  
25 Yolanda's house?



1 A. GOMEZ 81

2 A. Half hour; 9:00, 9:30, 10:00,  
3 around -- forty-five minutes, one hour I  
4 stay there.

5 Q. Was anybody home with your  
6 husband when he was watching the game and  
7 Jose Quinoy left him a message on his cell  
8 phone?

9 A. Yes.

10 Q. Who was home with him?

11 A. Bridgette.

12 Q. Where was Haydee?

13 A. I no remember. Maybe she out.  
14 I don't --

15 MS. MARINELLI: Do you know?

16 A. In her cousin house, Jenny,  
17 yeah.

18 Q. Did Mario ever play for you  
19 that message that Jose Quinoy left on his  
20 cell phone?

21 A. He call me -- he surprised,  
22 yes.

23 MS. MARINELLI: No, no, listen  
24 to his question.

25 Could you just ask the question

1 A. GOMEZ 82

2 again?

3 Q. Did Mario ever let you listen  
4 to the phone message that Jose Quinoy left  
5 on his cell phone?

6 A. Yes.

7 Q. When did he do that?

8 A. Let me see. I think a week  
9 before the incident happen. That's what I  
10 listen to the message.

11 Q. How could it be a week before?

12 A. Because they broke Mario's cell  
13 phone. When I replay the cell phone, that's  
14 when I listen to the message.

15 MS. MARINELLI: So, it was  
16 after?

17 THE WITNESS: After.

18 MS. MARINELLI: You're getting  
19 confused with before and after again.

20 He wants to know when you  
21 listened to the message on the cell  
22 phone.

23 A. After the incident, a couple  
24 days.

25 Q. So, you heard Jose's voice?

1 A. GOMEZ 83

2 A. Yes.

3 Q. Tell me what you heard Jose  
4 saying on Mario's cell phone.

5 A. "Hi, Mario. It's Jose Quinoy.  
6 I want to talk to you," something like that  
7 he say. And "I call you because I want to  
8 talk to you. Call me," and he leave the  
9 phone number.

10 Q. Was Jose's voice calm?

11 A. Yes.

12 Q. Go back to October 17th about  
13 9:30 or 10:00.

14 You came back to your apartment;  
15 right?

16 MS. MARINELLI: Objection.

17 A. Not really to my apartment.

18 Q. Well, when you were at  
19 Yolanda's house, did you get a second phone  
20 call from your husband?

21 A. I no have a second phone call  
22 from my husband, only one.

23 Q. When you left Yolanda's house,  
24 where did you go?

25 A. I go into the parking lot.

1 A. GOMEZ 84

2 Q. Why didn't you go home?

3 A. Because Bridgette called me and  
4 tell me Jose Quinoy called my father and he  
5 told my father go to the police department  
6 and my father go there.

7 Q. Did Bridgette go with him?

8 A. No.

9 Q. Why did you go over there?

10 A. I go because it's something  
11 about my daughter and see what happened.

12 Q. How do you know it was about  
13 your daughter?

14 A. Bridgette tell me.

15 Q. What did Bridgette say about  
16 your daughter?

17 A. No, he say something happened  
18 with Haydee. Jose call my father, something  
19 happened with Haydee. Jose tell my father  
20 come to see. She don't know what he say. I  
21 said, "What happened?" She say, "Daddy  
22 talking fine but Jose say something and  
23 daddy dress and go see him," and I go out  
24 and see what happened because I don't know  
25 what happened at the time.

1 A. GOMEZ 85

2 Q. That was about 9:30 or 10:00  
3 that Bridgette called you?

4 A. I'd say around 10:00, something  
5 like that.

6 Q. Bridgette also called you on  
7 your cell phone?

8 A. Yes.

9 Q. Did Haydee have a cell phone?

10 A. Yes.

11 Q. Did you call her?

12 A. No.

13 Q. Did your husband, in that phone  
14 conversation, tell Quinoy that he did not  
15 want him to go out with Haydee?

16 MS. MARINELLI: Just objection.

17 A. I'm not home at the time. I  
18 don't know what they talk.

19 Q. Well, did either Bridgette or  
20 your husband tell you that he said that in  
21 the conversation?

22 MS. MARINELLI: Just note my  
23 objection.

24 A. Bridgette tell me but not  
25 Mario.

1 A. GOMEZ 86

2 Q. Bridgette told you that Mario  
3 said that he did not want Quinoy going out  
4 with Haydee; is that right?

5 MS. MARINELLI: Just note my  
6 objection. She didn't say that.

7 A. She say, "Something happen with  
8 Haydee and Quinoy and daddy and Quinoy told  
9 my daddy come to see me in the police  
10 department." That's what Bridgette told me.

11 Q. That wasn't my question.

12 A. Well --

13 Q. It's yes or no.

14 Did Bridgette tell you that Mario on  
15 the phone told Quinoy that he did not want  
16 Quinoy to go out with Haydee?

17 A. No.

18 Q. Did Quinoy ever help Haydee out  
19 with any tickets?

20 A. Yes, he take Haydee out of the  
21 tickets.

22 Q. How do you know about that?

23 A. Haydee tell me one-time, "Oh, I  
24 have a ticket. He take out."

25 Q. What kind of ticket did she

1 A. GOMEZ 87

2 get?

3 A. I don't know.

4 Q. When did Haydee tell you that  
5 Quinoy got her out of tickets?

6 A. Long time ago. I not remember.

7 Q. Do you know somebody at the  
8 Sleepy Hollow Police Department named  
9 Lieutenant Hayes?

10 A. Me?

11 Q. Yes.

12 A. No.

13 Q. Have you ever heard of a  
14 Lieutenant Hayes?

15 A. No.

16 Q. How far was your apartment  
17 building from the Sleepy Hollow Police  
18 Department?

19 A. Say two or three blocks.

20 Q. When Bridgette called you, did  
21 she tell you that Mario had already left?

22 A. Yeah, he go down.

23 Q. He was gone.

24 When she was speaking to you, he was  
25 already gone?

1 A. GOMEZ 88

2 A. Yes, he go out of the apartment  
3 and yes.

4 Q. He wasn't getting dressed when  
5 she was talking to you, he was already gone?

6 MS. MARINELLI: Well,  
7 objection; if you know.

8 A. When she call me, she called me  
9 because he dress and he go out. That's when  
10 I follow him.

11 Q. Well, did you see him leave the  
12 building?

13 A. Yes, in the parking lot.

14 Q. You saw him in the parking lot?

15 A. Yes.

16 Q. Did you talk to him in the  
17 parking lot?

18 A. No.

19 Q. Why not?

20 A. He's in her car and I went in  
21 my car.

22 Q. He's in whose car?

23 A. Mario's car. Mario drive her  
24 car and I go into my car.

25 Q. When you say her, her is a



1 A. GOMEZ 89

2 woman.

3 A. Oh, in his car, yeah.

4 MS. MARINELLI: Note my  
5 objection.

6 Q. Did Mario see you?

7 A. I don't know.

8 Q. What kind of car did Mario  
9 have?

10 A. Yukon, GMC.

11 Q. And that was his car?

12 A. Yes.

13 Q. And you got into a different  
14 car?

15 A. Yes.

16 Q. Whose car did you get into?

17 A. My car.

18 Q. What kind of car was that?

19 A. Envoy, GMC.

20 Q. Mario left the parking lot  
21 first?

22 A. Yes.

23 Q. You were behind him?

24 A. Yes.

25 Q. Right behind him?

1 A. GOMEZ 90

2 A. Right behind him.

3 Q. How fast was he going?

4 A. Very close.

5 Q. No, how fast was he going?

6 A. Five miles; normally. He go  
7 normally. He not going fast.

8 Q. How was he dressed?

9 A. Sweat pants, boots and sweater;  
10 wintertime.

11 Q. Was wintertime?

12 A. Chilly that day. Yeah, he have  
13 sweat pants, sweater and boots.

14 Q. Boots?

15 A. Yes, because a little raining,  
16 frosty that day, yeah.

17 Q. And he wore a jacket?

18 A. I not remember. I not remember  
19 he have a jacket.

20 Q. When your husband got to the  
21 Sleepy Hollow Police Department, what did he  
22 do?

23 A. He park the car in the correct  
24 space.

25 Q. And did you go into the parking

1 A. GOMEZ 91

2 lot for the police department?

3 A. No, I'm in the middle of the  
4 street because I no -- I behind him. He  
5 take the park here. I no find the parking.  
6 I'm in the middle of the street.

7 Q. Why didn't you park your car?

8 A. I no park my car. I stay in  
9 the middle of the street.

10 Q. Why?

11 A. Why, because Jose and another  
12 policeman coming and start scream, "Mario,  
13 it's police. It's arrest." I get out of my  
14 car and Mario get out of car and Jose come  
15 with handcuff on the left hand and try to  
16 hit Mario like that (indicating) and Mario  
17 go down (indicating) and that's when all  
18 three come together. That's what I saw.

19 Q. Was it raining?

20 A. Not really raining, little --  
21 when it's very not raining.

22 Q. A mist?

23 A. Yes, when it's not snow, not  
24 raining.

25 Q. A mist?

1 A. GOMEZ 92

2 A. Yes, not too much, very light.

3 Q. Was it light outside or dark  
4 outside?

5 A. Dark. They only have the  
6 lights street and my car, because my car is  
7 in the middle there.

8 Q. Can you describe the parking  
9 lot for the police department?

10 A. It's not happen in the parking  
11 lot. It happen in the street.

12 Q. But your husband parked in the  
13 parking lot?

14 A. No, he pull up in the parking,  
15 normally parking or correct parking in the  
16 street.

17 Q. Was there a spot for you to  
18 park in?

19 A. No. I stopped behind Mario.  
20 He parking. Jose coming. I get out of the  
21 car and everything started. I don't have  
22 time to look around looking for parking. I  
23 get out of the car as soon as I see Jose  
24 coming out of the police department.

25 Q. Did your husband park his car?

1 A. GOMEZ 93

2 A. Yes.

3 Q. He turned it off?

4 A. I not remember. I not remember

5 but he parked the car.

6 Q. You pulled up right behind your

7 husband?

8 A. Yes.

9 Q. Was anybody outside?

10 A. At the moment I not see nobody.

11 I didn't focus what happened here. At the

12 moment, I no see nobody.

13 Q. You don't know if anybody was

14 outside when your husband pulled up?

15 A. No, only Quinoy and police

16 coming.

17 Q. You saw Quinoy?

18 A. Yes, and other officer.

19 Q. Did you see him come outside?

20 A. Yes, he's coming outside the

21 department. He wait for Mario outside, wait

22 outside running like this (indicating.)

23 Mario parking the car, get out of the car,

24 Jose run to Mario.

25 Q. Now, you don't know what your

1 A. GOMEZ 94

2 husband said to Quinoy on the telephone  
3 before he drove to the police station;  
4 right?

5 MS. MARINELLI: Objection; if  
6 he said anything.

7 A. I don't know.

8 Q. You don't know whether he said  
9 something or didn't say something?

10 A. I don't know nothing.

11 Q. You don't know if he threatened  
12 Quinoy on the telephone or not, you don't  
13 know?

14 MS. MARINELLI: Objection.

15 A. I'm not home.

16 MS. MARINELLI: If you can just  
17 lower your voice a little.

18 MR. SOKOLOFF: Sorry.

19 MS. MARINELLI: I know you're  
20 getting excited. It's okay.

21 Q. Do you know an Officer Gasker?

22 A. I don't know Officer Gasker.

23 Q. Was Quinoy the only one  
24 outside?

25 A. Gasker, but I don't know him at

1 A. GOMEZ 95

2 the time.

3 Q. Now you're saying Gasker was  
4 outside?

5 A. Yes. What I say, I know now  
6 the name is Gasker but at the moment I know  
7 another office.

8 Q. Was anybody outside besides  
9 Quinoy and Gasker?

10 A. Ebel. At the time I see three  
11 office.

12 Q. How far away from your husband  
13 were they when you first saw them?

14 A. Five feet, maybe here to here  
15 (indicating.) When I saw him five feet  
16 coming out, he running like police do and  
17 running to Mario.

18 Q. When they did that, Mario was  
19 out of the car?

20 A. Yes.

21 Q. Did you have your windows  
22 rolled up or rolled down?

23 A. No, my windows closed but I get  
24 out soon as Mario park and I see Jose and I  
25 park the car.

1 A. GOMEZ 96

2 Q. You left your car in the middle  
3 of the street?

4 A. I leave it in the middle of the  
5 street.

6 Q. You left your car running?

7 A. Yes.

8 Q. You left your lights on?

9 A. Yes.

10 Q. Did you have windshield wipers  
11 on?

12 A. Yes, because it's automatic  
13 when it's raining or something. They  
14 sensible, they move.

15 Q. Did you hear anybody say  
16 anything?

17 A. I listen what Jose Quinoy say.  
18 He say, "It's police. I got to arrest you,"  
19 and he come to Mario and I see when he have  
20 the handcuff in the right hand and he tried  
21 to do like this (indicating) to Mario's  
22 head. Mario get down and that's when  
23 everything started.

24 Q. Did anybody tell your husband  
25 to put his hands up?



1 A. GOMEZ 97

2 A. No.

3 Q. You didn't hear that?

4 A. No.

5 Q. What did Quinoy do with the  
6 handcuffs?

7 A. Tried to hit him in the head  
8 like this (indicating) and he go down  
9 (indicating.)

10 Q. Quinoy was holding the  
11 handcuffs?

12 A. In the left hand.

13 Q. How was he holding it?

14 A. I think these two (indicating)  
15 and he hold one.

16 Q. And he swung at your husband?

17 A. Yes.

18 Q. Were any other officers nearby  
19 when he swung the handcuffs?

20 A. Yeah, the two officers was  
21 there.

22 Q. Did he hit either one of them  
23 with the handcuffs?

24 MS. MARINELLI: You mean the  
25 police officers?

1 A. GOMEZ 98

2 MR. SOKOLOFF: Yes.

3 MS. MARINELLI: Just objection.

4 You can answer.

5 A. What did you say?

6 Q. When he swung the handcuffs,  
7 did the handcuffs hit anybody?

8 A. I don't know.

9 Q. What happened next?

10 A. They holding Mario, Mario hold  
11 Jose and Jose made order to give  
12 electricity.

13 MR. SOKOLOFF: Can you read  
14 back the last answer?

15 (Whereupon, the reporter read  
16 back the requested material.)

17 Q. What do you mean Mario held  
18 Jose?

19 A. When he do like this  
20 (indicating) Mario going down (indicating)  
21 and Jose jump with Mario, Mario hold here  
22 (indicating) like a hug here (indicating.)  
23 I think maybe he tried to protect, you know,  
24 he hold Jose.

25 Q. You just made some motions but

1 A. GOMEZ 99

2 can you describe in words what you just did?

3 A. When Jose tried to hit Mario, I  
4 don't know, he hit in the hair and Mario go  
5 down, Jose more close with Mario and Mario  
6 hold Jose like hugging her body, and that's  
7 it.

8 Q. Mario held Jose around his  
9 body?

10 A. Yeah, he hold it.

11 Q. Did Mario hit anybody?

12 A. No.

13 Q. Did he punch anybody?

14 A. No.

15 Q. How close were you when Mario  
16 was holding Jose around his body?

17 A. Three feet; very close.

18 Q. Did you say anything to  
19 anybody?

20 A. I say, "Stop it, stop." I run  
21 and go in the department and ask for help.

22 Q. So, you saw what was happening  
23 and then you ran away from it into the  
24 police station?

25 MS. MARINELLI: Objection. She

1 A. GOMEZ 100

2 didn't run away. She ran into the  
3 police department.

4 MR. SOKOLOFF: That's what I  
5 mean, ran away from the scene.

6 Q. Am I right?

7 A. Yes.

8 Q. How long were you actually  
9 there watching what was happening before you  
10 went into the police station?

11 A. Five minutes -- when he made  
12 order to test him and give electricity,  
13 that's when I run for help, about maybe  
14 five, ten minutes. I don't know.

15 Q. You were there for five, ten  
16 minutes?

17 A. I'm not sure. At the moment  
18 you don't think nothing, you only see. It's  
19 very hard for me that I see at the moment.

20 Q. Tell me everything you saw  
21 before you went into the police station.

22 A. When they made order to give  
23 Mario testing or electricity, the police  
24 holding Mario, Jose holding Mario, they put  
25 the handcuffs, he's on the floor and I see

1 A. GOMEZ 101

2 this and I stay, "Stop it, stop it" and I  
3 scream, "Help, help" I go inside the police  
4 department and I ask for help. I didn't  
5 stay too long because I talk with Hayes. I  
6 said, "Please help. Come on, let's go" and  
7 he look at me. He not say anything to me.  
8 I running out and I scream for help and help  
9 and help and see everything what they do to  
10 Mario. Mario was handcuffed. They kicked  
11 Mario's hair. They put more electricity and  
12 Mario, when he handcuffed on the floor, they  
13 continue to kick. I so nervous. I hold  
14 Jose, not policeman, my friend like this and  
15 I say, "Stop it, stop it. What are you  
16 doing? He's on the floor." He hold me from  
17 my jacket and he threw me, threw me to car  
18 and on the floor.

19 Q. He threw you on the floor?

20 A. Yes. He hold me like this  
21 (indicating) and he threw me very hard to my  
22 car. I bump to my car and go down on the  
23 floor.

24 Q. When Quinoy was fighting with  
25 your husband, you grabbed onto Quinoy's

1 A. GOMEZ 102

2 shirt?

3 A. I touch like this, (indicating)  
4 "Jose, stop it," because he's on the floor.  
5 One policeman have the knee on Mario's neck  
6 and Jose kicked Mario in her head on top of  
7 the hair and that's when I say, "Jose, Jose,  
8 stop it, stop it. What are you doing? He's  
9 on the floor." Mario tried to say  
10 identification corrections department and  
11 Ebel, he said, "Oh, this is not fucking New  
12 York City Police Department, this is Sleepy  
13 Hollow," and they continue to hit him.  
14 That's when I touch Jose here (indicating)  
15 because he have black, long sleeve shirt and  
16 I hold him from the shirt and I say, "Jose,  
17 Jose, stop it. What are you doing? He's on  
18 the floor. He not do nothing," and he held  
19 me from my jacket. I have a jacket and he  
20 threw me between my car and the floor very  
21 hard; strong man. He's a strong man.

22 Q. Is your husband a strong man?

23 A. No, Jose. My husband not do  
24 it, Jose do it.

25 Q. Is your husband a strong man?

1 A. GOMEZ 103

2 A. No, a hundred sixty-five  
3 pounds.

4 Q. Did you see your husband get  
5 shot with a tazer?

6 A. Oh, yes. I don't -- don't ask  
7 me about that.

8 Q. Don't ask you about that?

9 A. Yes, I saw.

10 Q. How many times?

11 A. A lot of times.

12 Q. Who shot him?

13 A. Gasker and Ebel.

14 Q. Were you shot with a tazer?

15 A. No.

16 Q. Where did they shoot him?

17 A. In the neck here (indicating.)

18 THE WITNESS: What you call  
19 this? (Indicating)

20 Q. Temple?

21 A. Not too close -- very close to  
22 the temple -- not the temple, and in the  
23 back a lot.

24 Q. You want to stop?

25 A. No, this situation affect me a

1 A. GOMEZ 104

2 lot.

3 MS. MARINELLI: There's no  
4 question. You want to take a break?

5 THE WITNESS: No, no.

6 Q. Did Mario try to grab Quinoy's  
7 neck?

8 A. No.

9 Q. Did you hear anybody give any  
10 order to use the tazer?

11 A. Jose did.

12 Q. You heard it?

13 A. Yes.

14 Q. What did he say?

15 A. "Test, test," but I don't  
16 understand what is that at the moment.

17 Q. What happened to you after you  
18 fell on the ground?

19 MS. MARINELLI: Objection.

20 MR. SOKOLOFF: Withdrawn.

21 Q. Quinoy pushed you against your  
22 car?

23 A. No, he threw me.

24 Q. He threw you where?

25 A. To the floor and my car.



1 A. GOMEZ 105

2 Q. Did you stay on the ground?

3 A. I come down, yeah.

4 Q. What part of your body made  
5 contact with the ground?

6 A. I not really go on the ground.  
7 I more go into my car and little calm down  
8 but totally on the ground, I'm not that way.

9 Q. So, Quinoy threw you to your  
10 car?

11 A. Yes.

12 Q. And you hit the car?

13 A. Yes.

14 Q. And you didn't fall to the  
15 ground?

16 A. I hold it, you know, because I  
17 have surgery.

18 Q. What part of the car did your  
19 body make contact with?

20 A. The front.

21 Q. The front door?

22 A. No, the front with the car.

23 Q. Did it make any dent in the  
24 car?

25 A. No.

1 A. GOMEZ 106

2 Q. Any scratches?

3 A. I not see. I not looking for  
4 scratches. I don't know.

5 Q. What part of your body made  
6 contact with the car?

7 A. All this part, (indicating) all  
8 my body go into the car because I tried to  
9 hold and not go down on floor because when  
10 he hold me like this, (indicating) he hold  
11 me hard. He move me over like that and I go  
12 over like that to my car and I tried holding  
13 my car.

14 Q. Were you able to hold the car  
15 before you made contact with it?

16 A. Not really hold it. I tried  
17 to, you know, put my hand and try not go  
18 down because I have surgery.

19 Q. What part of your body touched  
20 the car?

21 A. My rib.

22 Q. Your rib?

23 A. Yes.

24 Q. Which side?

25 A. The left side.

1 A. GOMEZ 107

2 Q. Did you break a rib?

3 A. Well, I went -- no.

4 Q. What were you wearing?

5 A. What I wearing when?

6 Q. That night.

7 A. I went to the hospital.

8 Q. No, no, no.

9 A. I have jeans, jacket, yeah.

10 That's what I think I have. I have jacket  
11 and T-shirt.

12 Q. What were you wearing on your  
13 feet?

14 A. Shoes.

15 Q. High heels?

16 A. No.

17 Q. Describe the shoes that you  
18 were wearing; what did they look like?

19 A. Shoes that you put -- no -- you  
20 put your feet inside -- moccasins.

21 Q. In the area next to your car  
22 where you were when you say Quinoy pushed  
23 you into your car, what was the ground made  
24 out of; was it paved, was it dirt, was it  
25 grass, what was it?

1 A. GOMEZ 108

2 A. The floor in the street with  
3 little wet.

4 Q. Was it paved concrete?

5 A. Concrete, yeah, in the street.

6 Q. After Quinoy did that to you,  
7 what happened next?

8 A. The police -- thank God police  
9 department Tarrytown coming and they stop  
10 the situation and they take Mario, put Mario  
11 in the police car. He made a couple orders,  
12 Jose, do this, do that. Mario sit down in  
13 the back seat of the car. He coming and he  
14 hit -- he kick Mario in her face and they  
15 taking Mario to the police department for  
16 the back. I go inside in the front. I call  
17 my daughter Haydee and Jenny come with me.  
18 I went inside for fifteen minutes and  
19 started feeling really bad, bad pain and I  
20 told my daughter, I don't know, something  
21 happened inside but I have to go with the  
22 hospital and she bring me with the hospital.  
23 I can't drive. At the time I get out of the  
24 police department I feel terrible pain. My  
25 daughter drive me to the hospital. I went

1 A. GOMEZ 109

2 in the hospital. They put me medication,  
3 two or three shots for pain. I not feel  
4 well. They had to put more and I go in for  
5 x-ray, and I stayed there until around 4:00  
6 in the morning.

7 Q. You were in front of the Sleepy  
8 Hollow Police Station?

9 A. Yes.

10 Q. But the Tarrytown Police came?

11 A. Yes.

12 Q. How many Tarrytown police cars  
13 came?

14 A. I can't say how many because I  
15 don't know.

16 Q. More than one?

17 A. Maybe. I don't know. I don't  
18 know. I'm not sure.

19 Q. Who put Mario in the police  
20 car?

21 A. Office. I'm not very familiar  
22 with the office.

23 Q. They put Mario in a Tarrytown  
24 Police car?

25 A. Sleepy Hollow.

1 A. GOMEZ 110

2 Q. But it was a Tarrytown Police  
3 car that came?

4 A. They came to stop the situation  
5 but they put Mario in the Sleepy Hollow car  
6 in the back seat.

7 Q. While he was in the back seat  
8 of the police car, you saw them do something  
9 to him?

10 A. Yes.

11 Q. What did you see?

12 A. Jose made couple orders and  
13 come to the car and hit Mario, kicked Mario  
14 in her face.

15 MS. MARINELLI: His face?

16 THE WITNESS: Yes.

17 Q. Jose?

18 A. Jose Quinoy.

19 Q. What orders did he give?

20 A. Orders to the police do this,  
21 do this. I don't understand at the time.

22 Q. He hit Mario in the face?

23 A. Kicked.

24 Q. Kicked?

25 A. Yes.

1 A. GOMEZ 111

2 Q. You were still outside?

3 A. Yes.

4 Q. You were against your car?

5 A. No, outside. The car here,  
6 (indicating) I'm here (indicating) and see  
7 everything what happened.

8 Q. The only officer who had any  
9 physical contact with you was Quinoy?

10 A. Only Quinoy.

11 Q. That's when he grabbed you on  
12 your jacket and pushed you against the  
13 police car?

14 MS. MARINELLI: Well,  
15 objection. She didn't use the word  
16 "push."

17 MR. SOKOLOFF: Well, I'm asking  
18 her.

19 MS. MARINELLI: Well, I'm  
20 objecting to the form of the question  
21 then because she already -- he threw  
22 her.

23 Q. He threw you?

24 A. Yes, in my car, not police car.

25 Q. Did your feet leave the ground?

1 A. GOMEZ 112

2 A. I tried to hold my car. I not  
3 really going all my body to the ground,  
4 only, you know, no.

5 Q. He didn't pick you up in the  
6 air and throw you, did he?

7 A. He moved very hard to me to my  
8 car. He's a man, strong man.

9 Q. When did you go into the police  
10 station?

11 A. When everything is over they  
12 take Mario to the back in the car and I go  
13 inside.

14 Q. You didn't see Mario again that  
15 night, did you?

16 A. I see when I come -- yes, I see  
17 him.

18 Q. They took Mario to the back of  
19 the police station?

20 A. Uh-huh.

21 Q. Yes?

22 A. Yes.

23 Q. They didn't take him in the  
24 front door, there was a back door?

25 A. No, in the back, in the back.



1 A. GOMEZ 113

2 MR. SOKOLOFF: Let's take a  
3 lunch break.

4 (Whereupon, a recess was taken  
5 at 12:55 p.m., examination resumed at  
6 1:55 p.m.)

7 MR. SOKOLOFF: What was the  
8 last question?

9 (Whereupon, the reporter read  
10 back the requested material.)

11 Q. You went in the front door of  
12 the police station?

13 A. Yes.

14 Q. What did you do when you went  
15 inside?

16 A. I tried to see what happened,  
17 what happened with Mario because I saw he  
18 bleeding and everything but they not give me  
19 any information and I was there for fifteen,  
20 twenty minutes and I left to the hospital.

21 Q. You were in the front?

22 A. Yes.

23 Q. Did they let you go in the  
24 back?

25 A. No.

1 A. GOMEZ 114

2 Q. Who did you speak to in the  
3 front, if anybody?

4 A. Nobody.

5 Q. You didn't speak to anybody?

6 A. No, they see me but they didn't  
7 speak to me.

8 Q. When you said you tried to find  
9 out what happened with Mario, how did you do  
10 that if you didn't speak to anybody?

11 A. They come in with me but I not  
12 say anything because I see everybody inside  
13 busy. They didn't say anything to me. I  
14 sit down. Nobody come. I didn't feel good.  
15 I went to the hospital.

16 Q. How did you get to the  
17 hospital?

18 A. My daughter bring me to the  
19 hospital.

20 Q. How did your daughter get  
21 there?

22 A. When everything finished I  
23 called and she come to the police  
24 department.

25 Q. When you were inside the police

1 A. GOMEZ 115

2 station, that's when your daughter came?

3 A. No, she came after. I go in  
4 with my daughter.

5 MS. MARINELLI: Listen to his  
6 question. I don't think you  
7 understood his question.

8 Q. You went into the police  
9 station when they brought your husband into  
10 the back?

11 A. No, I stay outside. I call my  
12 daughter, wait for my daughter and I go in  
13 with my daughter and my daughter's cousin,  
14 all three together.

15 Q. Who is your daughter's cousin?

16 A. They say cousins but they not  
17 really cousins; Jenny.

18 Q. Jenny what?

19 A. Cabrera.

20 Q. Where does Jenny live?

21 A. I think 165 Balli Street.

22 Q. How do you spell it?

23 A. B-A-L-L-I, I think, or E-I  
24 or -- I'm not sure.

25 Q. In what town?

1 A. GOMEZ 116

2 A. Sleepy Hollow.

3 Q. Did Jenny Cabrera go with you  
4 to the hospital?

5 A. Yes.

6 Q. You left your car in the middle  
7 of the street?

8 A. Yes, they come and yeah.

9 Q. You got out of your car and  
10 left it in the middle of the street, right?

11 When you came there behind your  
12 husband, where was your car?

13 A. She parked the car.

14 Q. Who?

15 A. My daughter, yeah.

16 Q. Where did she park it?

17 A. They have a parking lot in  
18 front of the police department.

19 Q. You say you got out of the  
20 hospital about 4:00 in the morning?

21 A. Yes.

22 Q. Your daughter stayed the whole  
23 time?

24 A. Yes.

25 Q. And Jenny Cabrera stayed the

1 A. GOMEZ 117

2 whole time?

3 A. No?

4 Q. How did she get home?

5 A. Haydee give her a ride.

6 Q. Haydee came to the hospital?

7 A. Yes.

8 Q. When did Haydee come to the  
9 hospital?

10 A. With me.

11 Q. Haydee was the daughter that  
12 picked you up?

13 A. Yes.

14 Q. When you saw Haydee that night  
15 after the incident, did you talk to her  
16 about what had happened?

17 A. Not really.

18 Q. What does not really mean?

19 A. I not say anything. She know  
20 her father, they arrest and she bring me to  
21 the hospital. I have a lot of pain. I cry  
22 a lot, the pain. I'm so nervous because I  
23 have big surgery and he threw me very hard  
24 and I'm very nervous that something happened  
25 inside my body.

1 A. GOMEZ 118

2 Q. What hospital did you go to?

3 A. Phelps Memorial.

4 Q. Bridgette stayed in the house?

5 A. Yes.

6 Q. Where did you go after you came  
7 out of the hospital 4:00 in the morning?

8 A. I -- when I get out, I stop at  
9 the police department and I go in. Haydee  
10 wait for me in the car outside. I saw Paul.  
11 I don't know what position he have. He's  
12 not regular policeman. I ask her about what  
13 happened with Mario's car because they take  
14 it, what I have to do to take it back and I  
15 say to him, "I'm not happy about what  
16 happened tonight." He said, "What do you  
17 want to do, do complaint?" I say, "Yes."  
18 At the time that I say yes, Jose Quinoy  
19 coming out. I don't know he's there. He  
20 coming out very close to my face on the left  
21 side to try to intimidate me very close to  
22 my face and he say, you know, that I -- he  
23 told me, "You want to play games, I arrest  
24 you," and he put me the handcuffs.

25 At the same time, I don't know Mario

1 A. GOMEZ 119

2 there. Mario listen my voice and he scream,  
3 "Awilda," and I say, "Yes, I'm here.  
4 Everything is fine. Don't worry," and I  
5 tried to be very, you know, calm down  
6 because he was there and I seen what  
7 happened with him.

8 MR. SOKOLOFF: Would you read  
9 back that answer?

10 (Whereupon, the reporter read  
11 back the requested material.)

12 Q. Was anybody present, was  
13 anybody there when you had this conversation  
14 with Quinoy?

15 A. Yes.

16 Q. Who?

17 A. Gasker.

18 Q. Where was he?

19 A. Next to Quinoy.

20 Q. So, when Quinoy came out,  
21 Gasker was next to him?

22 A. Yes.

23 Q. Did Gasker say anything?

24 A. No.

25 Q. Quinoy put you in handcuffs?

1 A. GOMEZ 120

2 A. Yes.

3 Q. In the front of the police  
4 station?

5 A. Yes.

6 Q. Then what did he do?

7 A. What did he do?

8 Q. Yes.

9 A. He going in -- not outside.  
10 Everything happened in the front. He going  
11 -- opened the door going in. He put me in  
12 the little room with Gasker with me. He  
13 left for, I'd say five minutes, and he  
14 coming back to me. He asked me, "Are you  
15 okay?" I say, "Yes," and he take all the  
16 handcuffs. He bring me to her office.

17 Q. Who is her?

18 A. Jose bring me to another office  
19 and he sit down. I sit down next to him.  
20 Gasker say stand up next to me and he move  
21 the chair back and he say to me, "You know  
22 for what reason I arrest you?" I say, "No,  
23 I don't understand," and he tell me "Because  
24 I had to cover my ass. I see you in the  
25 hospital and I know you say that I threw you



1 A. GOMEZ 121

2 on the floor."

3 Q. Had you filled out a complaint  
4 form yet?

5 A. No.

6 Q. Did anything happen with Quinoy  
7 after he said that?

8 A. He have a conversation with me  
9 like a friend. He tried to ask me what I  
10 do, I looking for lawyer, what I do for  
11 Mario and he tell me that I do what I have  
12 to do. I go home. They let me go home and  
13 I stay in the precinct. I say what I have  
14 to do. He say you know what you have to do.

15 MR. SOKOLOFF: Can you read  
16 back that answer?

17 (Whereupon, the reporter read  
18 back the requested material.)

19 Q. They let you go home?

20 A. No, he made the statement.

21 That's where he tried to tell me that I  
22 sign. I left. He made a statement.

23 Everything happened in Spanish and he write  
24 in English and he told me that he did it --  
25 I told him, "I don't understand what

1 A. GOMEZ 122  
2 happened tonight. You be friends with  
3 Mario." He said, "Well, I do it because  
4 somebody have to put Mario control." I  
5 said, "Control about what? He not do  
6 nothing. That's her daughter," and he told  
7 me, "Yes, that's her daughter but nobody  
8 tell me what I have to do with Haydee. I  
9 not going with Haydee, I going with Haydee  
10 out." I told him, "You're talking about my  
11 daughter, her daughter living with me. You  
12 married, three kids. What you want? Nobody  
13 wants something bad for daughter or son,"  
14 and he said, "Well, I show him who have the  
15 power." I say, "Okay." He say I made -- I  
16 put two charge to you but it's not too bad.  
17 I know the D.A. and maybe I talking with the  
18 D.A. and they take it out to you and you  
19 take -- he told me he talking with the D.A.  
20 and maybe the D.A. made a deal with me or  
21 take care of the charge because the reason  
22 he did it is because he have to cover his  
23 ass.

24 Q. Have you told me everything in  
25 that conversation?

1 A. GOMEZ 123

2 A. Yes.

3 Q. Did you sign a statement that  
4 night?

5 A. Yes.

6 Q. Was it true?

7 A. No.

8 Q. Did you understand it?

9 A. I not read the statement.

10 Q. Why not?

11 A. Why not, because I feeling in  
12 the moment so nervous. I never be in  
13 situation about that. He forgot I'm a  
14 woman. He throw me very hard. I'm very  
15 nervous. I never be arrested in my life. I  
16 tried to get out and see what I do to help  
17 Mario, looking for lawyer, you know, and he  
18 told me it's not a big deal that I put to  
19 you. I sign and I believe when the moment  
20 coming everything the truth coming out. At  
21 the moment, I think about I have to go home.  
22 My daughter is alone. I have to see what I  
23 do with Mario. I saw Mario with a lot of  
24 bleeding and everything and I tried to be  
25 whatever you want. He have the power in the

1 A. GOMEZ 124

2 moment.

3 Q. Well, did you ever read the  
4 statement?

5 A. No.

6 Q. Up until today, you never saw  
7 it?

8 A. I saw. I saw the statement but  
9 this is something very -- I believe in this  
10 situation for no reason.

11 Q. Is the statement true?

12 A. No.

13 Q. Do you understand it?

14 MS. MARINELLI: What do you  
15 mean do you understand it?

16 Q. The statement is in English;  
17 right?

18 A. Yes.

19 Q. Do you understand it?

20 A. If I read, yes. Maybe I not  
21 understand some paragraphs but I understand.

22 Q. Did you know when you signed  
23 the statement that if it was false that that  
24 was a crime to sign a false statement?

25 MS. MARINELLI: Objection.

1 A. GOMEZ 125

2 Don't answer that.

3 MR. SOKOLOFF: Don't answer it?

4 MS. MARINELLI: Right.

5 MR. SOKOLOFF: On what basis?

6 MS. MARINELLI: What is the  
7 purpose asking that question?

8 MR. SOKOLOFF: I want to know  
9 if she knew it's a crime.

10 MS. MARINELLI: What does that  
11 have to do --

12 MR. SOKOLOFF: It's on the  
13 statement.

14 MS. MARINELLI: So.

15 MR. SOKOLOFF: I want to know  
16 if she knew it.

17 MS. MARINELLI: Why, are you  
18 going to charge her with that crime  
19 now?

20 MR. SOKOLOFF: I don't charge  
21 anybody with anything. That's not a  
22 basis --

23 MS. MARINELLI: I don't  
24 understand it. I think it's outside  
25 the scope of this deposition.

1 A. GOMEZ 126

2 MR. SOKOLOFF: I don't. She  
3 signed a statement under penalty of  
4 perjury. I want to know if she knows  
5 it was penalty of perjury.

6 MS. MARINELLI: Was it under  
7 penalty of perjury?

8 MR. SOKOLOFF: He's on the  
9 statement.

10 MS. MARINELLI: Did you know it  
11 was under penalty of perjury?

12 THE WITNESS: No.

13 MR. SOKOLOFF: Mark this as  
14 Defendant's Exhibit A.

15 (Whereupon, Defendant's Exhibit  
16 A, Miranda Warning Spanish, was  
17 marked for Identification.)

18 MS. MARINELLI: You want her to  
19 look at it?

20 Q. Take a look at what's been  
21 marked for identification as Defendant's  
22 Exhibit A and tell me if you've ever seen  
23 that before.

24 A. Yes, I see before.

25 Q. What is it?

1 A. GOMEZ 127

2 A. This in Spanish. You write my

3 --

4 THE WITNESS: What do you say?

5 A. My warrant.

6 MS. MARINELLI: Do you know  
7 what it is?

8 THE WITNESS: Yes.

9 Q. Miranda rights, your rights?

10 A. No, I not write. I only sign.

11 MS. MARINELLI: What do you  
12 understand it to be?

13 THE WITNESS: This is my  
14 writing I have to --

15 Q. And the second page, what's the  
16 second page?

17 A. That's the page that he made in  
18 the computer.

19 Q. Did you sign it?

20 A. I sign this.

21 Q. First page says "Miranda  
22 Warning Spanish" and it has -- it's written  
23 in Spanish; right?

24 A. Yes.

25 Q. Next to every one of those

1 A. GOMEZ 128

2 items, you wrote the word si, S-I?

3 A. I not do it, he do it.

4 Q. Who is he?

5 A. Jose.

6 Q. Did you sign it?

7 A. Only I sign.

8 Q. Did you read it?

9 A. No, he take the paper, he write

10 for me, reading in Spanish and he write

11 everything.

12 Q. Whose signature is that?

13 A. This is my signature but I not  
14 take the paper. He did everything. He fill  
15 out everything. He write in English and he  
16 read everything. I do not touch the paper.

17 Q. Did he read it to you?

18 A. Yes.

19 Q. Did you understand when he read  
20 it to you?

21 A. In Spanish, yes.

22 Q. And why did you sign it?

23 A. I told you, I sign it because I  
24 never be in this situation. I be so  
25 nervous. I don't know what I have to do,



1 A. GOMEZ 129

2 and I sign.

3 Q. The second page, can you read  
4 this and tell me if you understand every  
5 word of it?

6 MS. MARINELLI: Just note my  
7 objection.

8 A. I understand. I can't  
9 translate word by word but I understand what  
10 he write.

11 Q. You understand what the last  
12 sentence, "False statements made herein are  
13 punishable as a Class A misdemeanor pursuant  
14 to Section 210.45 of the penal law of the  
15 State of New York."

16 You understand what that means?

17 MS. MARINELLI: Objection.

18 A. I no understand what that  
19 means.

20 Q. Do you know what a false  
21 statement means?

22 A. No, I don't know anything about  
23 that.

24 Q. I'm not asking you about what  
25 the law is. I'm asking if you understand

1 A. GOMEZ 130

2 what the words mean.

3 A. No, I don't understand.

4 Q. Tell me which words in that  
5 sentence you don't know what they mean.

6 A. I don't understand about  
7 misdemeanor or Class A misdemeanor. I don't  
8 understand what is that, you know. I don't  
9 understand.

10 Q. Everything else on the page you  
11 understand?

12 A. I understand here when he tried  
13 to explain what happened. About the section  
14 245 or penalty, I don't understand anything  
15 about that.

16 Q. Did you ask him what it means?

17 A. No.

18 Q. The top of the statement it  
19 says "I have been told by Detective Jose A.  
20 Quinoy that I have the right to remain  
21 silent and that any statements I make may be  
22 used against me in court."

23 Did he tell you that?

24 A. No.

25 MS. MARINELLI: Just objection.

1 A. GOMEZ 131

2 Q. It says, "I have been told that  
3 I have the right to talk with a lawyer  
4 before answering any questions or to have a  
5 lawyer present at anytime."

6 Did he tell you that?

7 MS. MARINELLI: Objection.

8 A. No.

9 Q. It says, "Further, I have been  
10 advised if I cannot afford to hire a lawyer  
11 one will be furnished me and I have a right  
12 to keep silent until I have had the chance  
13 to talk with a lawyer."

14 Did he tell you that?

15 MS. MARINELLI: Objection.

16 A. No.

17 Q. Now, in the statement it says,  
18 "On October 17th, 2006 I received a call  
19 from my daughter, Bridgette, telling me that  
20 my husband, Mario, was leaving the house."

21 Is that true?

22 MS. MARINELLI: Objection.

23 A. She called. Yes, she called  
24 me.

25 Q. Next sentence, "I ran down to

1 A. GOMEZ 132

2 the parking lot to see where Mario was going  
3 because Bridgette said that he was on the  
4 phone yelling and screaming."

5 Is that true?

6 MS. MARINELLI: Objection.

7 A. No.

8 Q. What is not true about it?

9 A. He yelling and she told me he's  
10 yelling on the phone.

11 Q. Next sentence says, "Mario  
12 pulled out in his car and I followed him in  
13 mine to see where he was going."

14 Is that true?

15 MS. MARINELLI: Objection.

16 A. Is not true because I know  
17 where he going.

18 Q. How did you know where he was  
19 going?

20 A. Bridgette tell me she go to see  
21 Jose in the police department. I know where  
22 he going.

23 Q. The next sentence says, "I  
24 followed Mario up to Beekman Avenue in front  
25 of police headquarters where I saw him walk

1 A. GOMEZ 133

2 up to Jose Quinoy and another police  
3 officer."

4 Is that true?

5 MS. MARINELLI: Objection.

6 A. No.

7 Q. Then it says, "I tried to park  
8 the car and when I looked up I saw Mario  
9 fighting with the police."

10 Is that true?

11 MS. MARINELLI: Objection.

12 A. It's not true.

13 Q. Next sentence, "I left the car  
14 in the street and I ran into the police  
15 station to tell the officer at the desk to  
16 please get some help."

17 Is that true?

18 MS. MARINELLI: Objection.

19 A. It's not true. Something  
20 happened but not this thing.

21 Q. It says, "I was in the lobby  
22 screaming and then I went back outside when  
23 the other officers arrived."

24 Is that true?

25 MS. MARINELLI: Objection.

1 A. GOMEZ 134

2 A. It's not true. I not  
3 screaming. At the moment I no scream.

4 Q. It says, "I started yelling  
5 stop, stop so they would stop fighting."

6 Is that true?

7 MS. MARINELLI: Objection.

8 A. It's not true. They not stop  
9 and they not listen to me and I not scream.

10 Q. It says, "I then grabbed Jose  
11 by the shirt asking him to stop screaming."

12 Is that true?

13 MS. MARINELLI: Objection.

14 A. No, it's not. I no scream.

15 Q. But you did grab him by the  
16 shirt?

17 A. I touched the shirt. I don't  
18 know what you call like that (indicating)  
19 but I not touch her body, only the shirt.

20 Q. It says, "Jose grabbed me and  
21 threw me against my car and I fell to the  
22 ground."

23 Is that true?

24 A. This is true.

25 Q. Then it says, "I then went to

1 A. GOMEZ 135

2 the hospital because I had severe pain on  
3 the left side of my body."

4 Is that true?

5 MS. MARINELLI: Objection.

6 A. Yes, that's true.

7 Q. What happened at the police  
8 station after you signed this statement?

9 A. When I sign the statement, I  
10 not read. He put on the desk and he said to  
11 sign here. I sign. He said now he have to  
12 take pictures and fingerprinting and when he  
13 tried to bring me to the room he told Gasker  
14 go put Mario in the -- what you call --  
15 because he sit down in the fingerprint room.  
16 We change. He's there and they take Mario  
17 to back and that's when I go into the room  
18 and take my fingerprints, my picture and he  
19 say when I finish everything you going home  
20 and you come back Monday to court and don't  
21 worry about that.

22 Q. And that's what happened?

23 A. That's what happened.

24 Q. You didn't see Mario?

25 A. No, I see -- in the back, you

1 A. GOMEZ 136

2 know, when they take out Mario with the room  
3 to take a little hall and go to the back. I  
4 no want him see me. I no want to see him.  
5 I went in the hallway.

6 Q. Did you ever tell anybody at  
7 the Sleepy Hollow Police Department that you  
8 wanted to file a complaint?

9 A. Everybody know. I tell only  
10 when I was there in the front with the  
11 glass.

12 Q. Other than bringing this  
13 lawsuit, did you file any kind of complaint  
14 with the police?

15 A. No, no.

16 Q. Do you know who Lieutenant  
17 Campbell is?

18 A. I don't know nobody there. I  
19 know when he tried to do --

20 MS. MARINELLI: Do you know who  
21 Lieutenant Campbell is?

22 Just answer his question.

23 A. No, no, I don't know.

24 Q. Did you go to court after this  
25 incident?



1 A. GOMEZ 137

2 A. Yes.

3 Q. When is the first time you went  
4 to court?

5 A. Monday, the next Monday.

6 Q. What date was that?

7 A. This happened the 17th. I  
8 think the 22nd at 3:00 in the afternoon in  
9 Sleepy Hollow.

10 MS. MARINELLI: Whatever that  
11 Monday was after this incident?

12 THE WITNESS: Yes.

13 Q. Did you have a lawyer  
14 representing you at that point?

15 A. Yes.

16 Q. Who was the lawyer?

17 A. Janet Gandolfo.

18 Q. Was anybody there in the court  
19 from the Sleepy Hollow Police Department?

20 A. When?

21 Q. In the court.

22 A. No.

23 Q. Did anybody from the Sleepy  
24 Hollow Police Department ever try to talk to  
25 you after this incident?

1 A. GOMEZ 138

2 A. Yes.

3 Q. Who?

4 A. Campbell.

5 Q. Do you know who Campbell is?

6 A. No.

7 Q. How do you know Campbell tried  
8 to speak to you?

9 A. He come with me and say he  
10 wanted see what happened but I not talk to  
11 him.

12 Q. Well, how do you know it was  
13 Campbell?

14 A. Because he say her name.

15 MS. MARINELLI: His name?

16 THE WITNESS: Yes.

17 A. "I'm Campbell. I tried to do  
18 the investigation for the case," but he not  
19 talking with me. That's only what he said.  
20 My lawyer say he no want that I speak to  
21 him.

22 Q. Your lawyer didn't want you to  
23 speak to him?

24 A. No.

25 Q. Did you want to speak to him?

1 A. GOMEZ 139

2 A. No.

3 Q. Why not?

4 MS. MARINELLI: Objection.

5 A. For what reason? One week

6 before --

7 MS. MARINELLI: That's enough.

8 Q. When you went to court on the

9 22nd, was Mario with you?

10 MS. MARINELLI: Just objection.

11 A. No, Mario went in court but not

12 with me.

13 Q. Didn't you give Campbell your

14 phone number when you saw him in court?

15 A. No, I no give him my phone

16 number.

17 Q. Did your husband give Campbell

18 your phone number?

19 A. I don't know.

20 Q. Did you talk to Campbell with

21 your husband next to you?

22 A. Yes.

23 Q. Well, tell me what the

24 conversation was when you and your husband

25 were talking to Campbell.

1 A. GOMEZ 140

2 A. I no have conversation. He  
3 only ask me -- he wanted to talk to me and  
4 he want my cell phone and I say no and I not  
5 giving nobody my cell phone. They have my  
6 phone at my house. I say call to my house,  
7 and I don't have any conversation. That's  
8 the conversation that I have.

9 Q. So, you told Campbell to call  
10 your house?

11 A. No, I not tell call my house.  
12 I say you have my phone house and that's the  
13 phone that I give. I don't give my cell  
14 phone to nobody, and that's it. I don't say  
15 call me or nothing. He ask me for my cell  
16 phone. I say you have my phone at my house.  
17 I say I not give my cell phone with nobody.

18 Q. Did he ask if he could set up  
19 an interview with you and your husband?

20 A. No.

21 Q. Did Campbell call your house?

22 A. Yes.

23 Q. How many times?

24 A. Two or three times.

25 Q. What did he do, did he speak to

1 A. GOMEZ 141

2 you?

3 A. No, they leave the message on  
4 the machine.

5 Q. What did the message say?

6 A. They -- I want to talk with  
7 Mario and me.

8 Q. Did you call him back?

9 A. No.

10 Q. Did you save the message?

11 A. No.

12 Q. You used to live close to the  
13 Sleepy Hollow Police Department; right?

14 A. Not close, two or three --  
15 around three or four blocks.

16 Q. Do you know a business Village  
17 Wine & Spirits at 31 Beekman Avenue?

18 A. No.

19 Q. Do you know somebody named  
20 Rodney Rodriguez?

21 A. No.

22 Q. On the night of the incident,  
23 did you see anybody in the area who did not  
24 look like a police officer?

25 A. No, I don't put attention about

1 A. GOMEZ 142

2 that.

3 Q. Do you know somebody named  
4 Debra Linpress?

5 A. No.

6 Q. Do you know anybody who lives  
7 at 38 Beekman Avenue?

8 A. No.

9 Q. Do you know somebody named  
10 Eulalia, E-U-L-A-L-I-A Guzman?

11 A. No.

12 Q. Did your husband, Mario Gomez,  
13 throw any punches in the direction of  
14 Quinoy?

15 A. No.

16 Q. You didn't see that?

17 A. No, no, nothing happened like  
18 that.

19 Q. When you were present and saw  
20 your husband in an altercation with the  
21 police officers, did you hear anything that  
22 either your husband or any of the officers  
23 had said to each other?

24 MS. MARINELLI: Objection.

25 A. This is not New York City

1 A. GOMEZ 143

2 police department. When he tried to  
3 identify that he was corrections, I listen  
4 and one of the officers say, "Fuck New York  
5 City Corrections Department. This is Sleepy  
6 Hollow Police," and I listen when he say.

7 Q. Were there other things that  
8 they said that you --

9 A. I not listen nothing more.

10 Q. When you say you didn't listen,  
11 do you mean you didn't hear or you --

12 A. I not hear nothing, only that's  
13 what I hear.

14 Q. Did you hear your husband,  
15 Mario, say to Quinoy, "I want to know why  
16 you're doing this to my daughter?"

17 MS. MARINELLI: Objection.

18 A. No.

19 Q. You didn't hear that?

20 A. No.

21 Q. At anytime after this incident,  
22 did you talk to Haydee about it?

23 A. Yes.

24 Q. What did you talk to her about?

25 MS. MARINELLI: Just objection.

1 A. GOMEZ 144

2 A. That's the first time that I  
3 talk about that because I don't know  
4 anything, the situation and she don't  
5 understand, too, what happened, why they  
6 come and beat things. She not say too much  
7 to me. At the moment she don't want to talk  
8 too much. She feel very bad what happened  
9 with her daddy for no reason. She no  
10 understand what happened.

11 Q. When you say she didn't  
12 understand --

13 A. She didn't understand what  
14 happened. She very quiet and cry. She no  
15 say nothing to me.

16 Q. Now, you know that Mario is  
17 suing Sleepy Hollow and the police officers;  
18 correct?

19 A. Yes.

20 Q. Did you know that he was suing  
21 the police before you started your case?

22 MS. MARINELLI: Objection.

23 A. I don't know. I don't know  
24 when he did it first or I don't know nothing  
25 like that.



1 A. GOMEZ 145

2 Q. Well, did he talk to you about  
3 suing?

4 A. No.

5 Q. Did you talk to him?

6 A. No. It's a different case.

7 Q. What do you mean it's a  
8 different case?

9 A. He have her case with her  
10 lawyer. I have my case with my lawyer. I  
11 no talk about this.

12 Q. Not even with Mario?

13 A. No.

14 Q. Did Haydee tell you that she  
15 told Quinoy that she was having problems  
16 with her father about seeing him?

17 A. No, she not say anything to me.

18 Q. Did you ever hear Haydee have  
19 any arguments with Mario?

20 A. No.

21 Q. Did Mario tell Haydee that he  
22 was going to look for Quinoy to talk to him?

23 A. No.

24 Q. Did Haydee tell you why Quinoy  
25 was calling Mario?

1 A. GOMEZ 146

2 MS. MARINELLI: When we talking  
3 about, afterwards?

4 MR. SOKOLOFF: Afterwards.

5 MS. MARINELLI: Just objection.

6 A. No.

7 MS. MARINELLI: Objection to  
8 this whole line of questioning.

9 Q. Do you know Mario's cell phone  
10 number?

11 MS. MARINELLI: Objection.

12 A. I have it but I don't know it.  
13 I have to see.

14 Q. Is it 914-473-3889?

15 MS. MARINELLI: Objection.

16 A. I have to see. I don't know in  
17 the memory (indicating.)

18 Q. Did you ever talk to Mario  
19 about the phone call that he received from  
20 Quinoy on the night of the 17th?

21 MS. MARINELLI: Objection.

22 A. No.

23 Q. You never asked him why he went  
24 to the police station?

25 MS. MARINELLI: Objection. She

1 A. GOMEZ 147

2 already answered no. Now you're  
3 badgering her.

4 MR. SOKOLOFF: No, I'm not  
5 badgering her.

6 MS. MARINELLI: Yeah, you are.

7 MR. SOKOLOFF: No, I don't  
8 think so.

9 MS. MARINELLI: Especially with  
10 your tone of voice, too.

11 Q. Did you ask Mario why he went  
12 to the police station that night?

13 MS. MARINELLI: Objection.

14 A. No.

15 Q. Why didn't you ask him that?

16 MS. MARINELLI: Objection.

17 A. Because I find everything  
18 happened at the moment in the police  
19 department.

20 Q. Didn't you want to know why he  
21 went there?

22 MS. MARINELLI: Objection.

23 Don't answer that.

24 A. No.

25 MS. MARINELLI: Don't answer.

1 A. GOMEZ 148

2 MR. SOKOLOFF: You're  
3 instructing her not to answer?

4 MS. MARINELLI: I am.

5 MR. SOKOLOFF: Basis is?

6 MS. MARINELLI: Badgering and  
7 it's outside the scope of this  
8 deposition as are many of the  
9 questions here.

10 Q. Was your husband in the  
11 marines?

12 A. Yes.

13 Q. When your husband pulled up to  
14 the police station on the night of October  
15 16th, did his car come to a screeching stop?

16 MS. MARINELLI: Objection.

17 A. I don't know. I don't know.

18 Q. When your husband got out of  
19 the car, did he slam the car door?

20 MS. MARINELLI: Objection.

21 A. No.

22 Q. He just closed it gently?

23 MS. MARINELLI: Objection.

24 A. Yeah, normally.

25 MS. MARINELLI: Objection.

1 A. GOMEZ 149

2 Q. Did he leave his car in the  
3 middle of the street?

4 A. Mario?

5 Q. Yes.

6 A. No.

7 Q. Did he leave his car with the  
8 engine running?

9 A. I no remember.

10 Q. Did he leave his car with the  
11 lights on?

12 A. I no remember.

13 Q. What happened to Mario's car  
14 that night?

15 A. They take it.

16 Q. Who took it?

17 A. The police department.

18 Q. How do you know they took it?

19 A. They tell me.

20 Q. What did they say?

21 A. They take the car and see they  
22 have -- I don't know what they looking, but  
23 they take it.

24 Q. Did they give it back to him?

25 A. When -- yes.

1 A. GOMEZ 150

2 Q. When?

3 A. When he get out with the  
4 precinct and court or -- then they give the  
5 car back to Mario.

6 Q. Did Quinoy tell your husband to  
7 put his hands on his car?

8 MS. MARINELLI: Objection.

9 A. No.

10 Q. Did Mario hit Quinoy with a  
11 closed fist?

12 MS. MARINELLI: Objection.

13 A. No.

14 Q. Did he hit him at all?

15 MS. MARINELLI: Objection.

16 A. No.

17 Q. Mario Gomez made no physical  
18 contact with Quinoy?

19 MS. MARINELLI: Objection.

20 A. No.

21 Q. He never touched him?

22 A. When they -- when he come close  
23 and he hold in the body. That's only what I  
24 saw.

25 Q. Did you have an obstructed

1 A. GOMEZ 151

2 view?

3 Do you know what that means,  
4 obstructed?

5 A. No, what it does?

6 Q. Means something was blocking  
7 you.

8 A. No.

9 Q. Did Quinoy grab your husband's  
10 arm?

11 MS. MARINELLI: Objection.

12 A. Quinoy what?

13 Q. Did he grab your husband's arm?

14 A. No.

15 MS. MARINELLI: Objection.

16 This is beyond the scope of her  
17 deposition, these questions about  
18 what happened to Mario Gomez.

19 I don't understand why -- how  
20 this goes to qualified immunity as to  
21 this plaintiff.

22 MR. SOKOLOFF: Because she was  
23 part of the incident.

24 MS. MARINELLI: No, she wasn't  
25 part of this incident.

1 A. GOMEZ 152

2 MR. SOKOLOFF: Yes, she was.

3 MS. MARINELLI: What happened  
4 to her is separate.

5 MR. SOKOLOFF: I know you say  
6 that but they were in the middle of a  
7 fight when she say she grabbed the  
8 police officer's shirt.

9 I'm not going to debate it on  
10 the record in front of the witness  
11 but it also goes to the clarity of  
12 her memory of the incident which goes  
13 to her testimony and it goes to the  
14 weight of it.

15 MS. MARINELLI: But you keep  
16 repeating the same questions that  
17 you've already gone on.

18 MR. SOKOLOFF: That's a  
19 different thing --

20 MS. MARINELLI: -- which I  
21 permitted even though I believe it's  
22 outside the scope, so I'm going to  
23 object to these questions and advise  
24 her not to answer.

25 MR. SOKOLOFF: We'll make a



1 A. GOMEZ 153

2 record and we'll see whether the  
3 court instructs you not to answer  
4 knowing full well that the rules,  
5 local and federal don't permit you to  
6 instruct the witness not to answer.

7 MS. MARINELLI: Knowing full  
8 well that the scope of this  
9 deposition is to qualified immunity  
10 as to this witness.

11 MR. SOKOLOFF: You know what,  
12 I'll take my risk that I'm violating  
13 rules and you guide yourself  
14 accordingly.

15 MS. MARINELLI: Thank you, I'll  
16 do that.

17 Q. Did your husband put up any  
18 kind of a struggle?

19 A. What is that?

20 Q. Fight, resist; do you know what  
21 resist --

22 MS. MARINELLI: Objection.  
23 Don't answer that. She asked you a  
24 nice, simple question what do you  
25 mean by struggle and you're being

1 A. GOMEZ 154

2 very rude.

3 MR. SOKOLOFF: You know what,  
4 ask your lawyer to translate. I'm  
5 not allowed so you ask your lawyer.

6 MS. MARINELLI: Do it in not  
7 such a loud --

8 MR. SOKOLOFF: I didn't mean  
9 anything by it.

10 MS. MARINELLI: You're speaking  
11 loud and intimidating which can't go  
12 on the record.

13 Q. Do you feel intimidated?

14 A. Sometimes I feel you strong  
15 when you do question and I feel why you do  
16 to me. I don't do nothing wrong what  
17 happened that night.

18 Q. And you're smiling now?

19 A. I'm little nervous. I'm here  
20 to put everything clear in the right coming  
21 up.

22 MS. MARINELLI: And she wasn't  
23 smiling.

24 A. I'm not smiling. I try to put  
25 -- the other question you tell me I try to

1 A. GOMEZ 155

2 tell the truth what happened. I'm not  
3 feeling I delinquent. I do nothing wrong.

4 MS. MARINELLI: Let's go back  
5 and ask your question again,  
6 Mr. Sokoloff.

7 Q. How many times did they shoot  
8 your husband with the tazer?

9 MS. MARINELLI: Objection.  
10 Asked and answered. Over objection.

11 A. A lot of times.

12 Q. After the first time, did your  
13 husband continue to fight?

14 A. No.

15 MS. MARINELLI: Objection. She  
16 never said he fought in the first  
17 place.

18 A. He no fight.

19 Q. He didn't struggle?

20 A. No.

21 Q. He laid down and gave up?

22 A. He say, "That's enough. That's  
23 enough," and they put the handcuff.

24 Q. Did your husband kick anybody?

25 A. No.

1 A. GOMEZ 156

2 Q. Did Quinoy get any injuries in  
3 the fight with your husband?

4 A. I don't know. I don't know.

5 Q. Well, when you saw him later in  
6 the night, did he have any marks on his  
7 face?

8 A. I no really see nothing.

9 Q. You didn't see anything?

10 A. No.

11 Q. When you pulled on Quinoy's  
12 shirt, did he say anything to you?

13 MS. MARINELLI: Objection.

14 A. No. He hold me and throw me on  
15 the ground.

16 Q. Did he tell you to stop?

17 A. No.

18 Q. Did your husband have a baton?

19 A. What is that?

20 MS. MARINELLI: Objection.

21 Q. Do you know what a baton is,  
22 like a big stick?

23 A. I don't know. I no see nothing  
24 like that.

25 Q. Well, when he was a corrections

1 A. GOMEZ 157

2 officer --

3 A. He no bring nothing to my  
4 house.

5 Q. Do you know whether he had  
6 anything with him in the car when he came to  
7 meet Quinoy?

8 A. No.

9 Q. You don't know?

10 A. No, they no have because they  
11 take the car and they give the car back  
12 because they no see any evidence.

13 Q. How do you know that?

14 A. They say in court.

15 Q. Did they not find a baton,  
16 expandable baton?

17 A. No, they no say anything about  
18 that.

19 Q. What time of day or night or  
20 morning, whatever, did you go back to police  
21 headquarters to get your car?

22 A. 4:00 in the morning.

23 Q. Was it 4:30 in the morning?

24 A. Around 4:00.

25 Q. Do you know what you were

1 A. GOMEZ 158

2 charged with when you were arrested?

3 A. No.

4 Q. Now, you're suing in this case  
5 a Police Officer Eldryk Ebel; correct?

6 A. Yes.

7 Q. He never touched you, did he?

8 MS. MARINELLI: Objection.

9 A. No.

10 Q. What did he do to you?

11 MS. MARINELLI: Objection.

12 A. Physical, nothing; emotional, a  
13 lot. I see they do with the people in the  
14 face affect me a lot, changed my life.

15 Q. Did he talk to you?

16 A. No.

17 Q. So, you're suing him because of  
18 something he did to your husband?

19 MS. MARINELLI: Objection.

20 A. No, affect me emotional that I  
21 saw that night.

22 Q. Focusing on Officer Ebel, tell  
23 me what it is that you saw him do that  
24 changed your life.

25 MS. MARINELLI: Objection.

1 A. GOMEZ 159

2 A. A lot of abuse, a lot of  
3 electricity for no reason and I saw -- I  
4 have an idea the police is for protect the  
5 people, not do -- they abuse. They do it.  
6 If I do something wrong, I understand  
7 something happened but for no reason changed  
8 my life emotional. I have panic to go out.  
9 I never went in psychiatric. I went  
10 psychiatric. I lose my job. Emotional I  
11 feel like nothing, okay. I scared about go  
12 take another job because I think it's not  
13 finished, they not give me the job. I stay  
14 in my house. When dark coming, I close the  
15 window because I think somebody look at me;  
16 changed a lot my life. Changed my family  
17 life, my kids' life because they not see  
18 mommy the same as before.

19 Q. Now, as far as you knew up  
20 until that point Quinoy was a friend of your  
21 family and a friend of yours?

22 A. What you say?

23 Q. Up until that night you thought  
24 that Quinoy, Officer Quinoy was a friend of  
25 yours and a friend of your family; correct?

1 A. GOMEZ 160

2 A. Well, that's what I think but  
3 you never know what people do and people  
4 feeling. Sometimes you think people is your  
5 friend. He's not.

6 Q. Did he ever do anything before  
7 that night that made you think he wasn't  
8 your friend?

9 MS. MARINELLI: Just objection.

10 A. No, never.

11 Q. What does Officer Eldryk Ebel  
12 look like?

13 MS. MARINELLI: Objection.

14 A. Look like, like what?

15 Q. Tell me, color hair, mustache,  
16 face, is he tall?

17 MS. MARINELLI: Objection.

18 You know, look, you can ask her  
19 questions but please stop yelling at  
20 her.

21 MR. SOKOLOFF: I'm not yelling  
22 at her.

23 MS. MARINELLI: I think we need  
24 to take a break.

25 MR. SOKOLOFF: I'm not yelling.



1 A. GOMEZ 161

2 MS. MARINELLI: Yes, you are.

3 MR. SOKOLOFF: I think -- I  
4 really recent something that you're  
5 putting on the record when it isn't  
6 the case.

7 MS. MARINELLI: It is the case.

8 MR. SOKOLOFF: No, it isn't.

9 MS. MARINELLI: Let's go  
10 outside. You really need to bring it  
11 down a notch, come down a notch.

12 MR. SOKOLOFF: It's really not  
13 right.

14 MS. MARINELLI: This is a  
15 deposition. It's not trial when you  
16 might have a little leeway in the  
17 courtroom.

18 Maybe you're not aware of it.  
19 I'm just trying to make you aware of  
20 it.

21 MR. SOKOLOFF: Well, there's a  
22 lot of things you're not aware of  
23 including your reactions to questions  
24 and your body language.

25 MS. MARINELLI: She's answering

1 A. GOMEZ 162

2 your questions. Please don't even go  
3 there.

4 MR. SOKOLOFF: I'm talking  
5 about you.

6 MS. MARINELLI: Don't even go  
7 there, okay.

8 Just lower your gosh darn  
9 voice, please.

10 (Whereupon Ms. Marinelli and  
11 Ms. Gomez exited the room.)

12 Q. Now, I don't want you to tell  
13 me anything that was said between you and  
14 your lawyer. I just want to know while we  
15 had a break did you talk to your lawyer?

16 A. I talk, yeah.

17 Q. And she spoke to you?

18 A. Yes.

19 MR. SOKOLOFF: You know, that  
20 was during a pending question.

21 MS. MARINELLI: What was the  
22 pending question?

23 MR. SOKOLOFF: What did the  
24 officer look like?

25 You can say what you want. No,

1 A. GOMEZ 163  
2 no, hold on. You can say what you  
3 want about my tone of voice and put  
4 whatever one sided statement you want  
5 on the record, but one thing is clear  
6 that what happened was totally  
7 inappropriate. You can't take the  
8 witness out of the room during a  
9 pending question.

10 MS. MARINELLI: I don't  
11 disagree with you, Mr. Sokoloff. I  
12 was not aware there was a pending  
13 question and I don't disagree with  
14 you. Had I known that, I would have  
15 let her answer it and then I would  
16 have gone out.

17 MR. SOKOLOFF: Okay, let's get  
18 the answer.

19 Q. What does Ebel look like?

20 A. I don't really know. I know he  
21 have blonde hair.

22 MS. MARINELLI: Blonde hair,  
23 you said?

24 THE WITNESS: Not blonde,  
25 blonde; white, not too tall.

1 A. GOMEZ 164

2 Q. How old is he?

3 A. I don't know.

4 Q. You're also suing Police

5 Officer Mike Gasker; correct?

6 A. Yes.

7 Q. He never touched you that  
8 night, did he?

9 A. Yes.

10 Q. He did touch you?

11 A. No, no, he no touch me.

12 Q. He never said anything to you  
13 that night, did he?

14 A. No.

15 Q. So why are you suing him?

16 A. Because they not do nothing.  
17 They have to do something.

18 Q. What do you mean?

19 A. When everything happened, they  
20 have to do the correct thing.

21 Q. Which is what?

22 A. Help me do something. They see  
23 the situation. They not do the correct the  
24 officers supposed to do.

25 Q. And that's the incident with

1 A. GOMEZ 165

2 your husband?

3 MS. MARINELLI: Objection.

4 Q. When you say they're supposed  
5 to do, you mean with regard to your husband?

6 A. My husband, me, everything.

7 Q. What should they have done with  
8 regard to you?

9 A. To me?

10 Q. Yes.

11 A. Normally officers do not abuse  
12 nobody and do what they have to do, not the  
13 way that they do it.

14 Q. What should Gasker have done?

15 MS. MARINELLI: Well,  
16 objection; if you know.

17 MR. SOKOLOFF: Well, she said  
18 they didn't do the right thing. I  
19 want to find out what she thinks the  
20 right thing is.

21 A. They not help me.

22 Q. Help you do what?

23 MS. MARINELLI: Get up from the  
24 ground, maybe.

25 MR. SOKOLOFF: Mark that.

1 A. GOMEZ 166

2 MS. MARINELLI: I'm going to  
3 object because you keep asking her  
4 the same question. You're badgering  
5 her.

6 A. They not help me. They not  
7 help me.

8 MS. MARINELLI: You answered  
9 the question, Awilda.

10 Q. Help you do what?

11 A. With everything. They see a  
12 woman coming down, nobody ask me, "Are you  
13 okay?" Nobody try to come with me, try to  
14 see the situation, nothing. Nobody do  
15 nothing, nothing.

16 Q. They should have asked you if  
17 you were okay?

18 A. Nobody asked me nothing.

19 Q. Did you tell any of the  
20 officers that night that you were hurt?

21 A. No.

22 Q. You're suing Lieutenant Barry  
23 Campbell; is that correct?

24 A. Yes.

25 Q. What does Officer Gasker look

1 A. GOMEZ 167

2 like?

3 A. Tall, skinny, dark hair.

4 Q. Did you ever see him before  
5 October 16th, 2006?

6 A. No.

7 Q. Did you ever see him after  
8 then?

9 A. I no remember see.

10 Q. You saw him for about five  
11 minutes?

12 MS. MARINELLI: Just objection.

13 A. No.

14 Q. How long did you have to see  
15 him?

16 A. I say when everything happened  
17 and when I went -- I saw him really when  
18 Jose Quinoy arrest me. He in the room with  
19 me.

20 Q. Did you see Ebel do anything to  
21 your husband?

22 A. Anything about what?

23 Q. Did you see Ebel strike your  
24 husband?

25 MS. MARINELLI: Objection.

1 A. GOMEZ 168

2 A. Yes.

3 Q. Explain to me what Ebel did to  
4 your husband.

5 MS. MARINELLI: Objection.

6 A. Put underneath the neck. He's  
7 on the ground, put electricity, hit her like  
8 this (indicating.)

9 MS. MARINELLI: When you say  
10 her, him?

11 A. To Mario like this  
12 (indicating.) Mario on ground like that  
13 (indicating) and he come with the feet in  
14 the face. I saw that.

15 Q. That was Ebel?

16 A. Ebel and he put a lot of  
17 electricity with Mario.

18 Q. Did you see Gasker do anything  
19 to your husband?

20 A. Yes.

21 Q. Tell me what you saw Gasker do.

22 A. Put the electricity.

23 Q. How many times?

24 A. More than one time. He put  
25 close to here (indicating.) Gasker did it.



1 A. GOMEZ 169

2 Q. Close to where?

3 A. What you call here (indicating)  
4 this part?

5 MS. MARINELLI: Talking about  
6 the forehead.

7 A. He have electricity.

8 MR. SOKOLOFF: She's not  
9 pointing to her forehead.

10 A. Doctor say something about the  
11 area because they give you electricity  
12 between here, between the hair and this part  
13 (indicating) and he give --

14 Q. Above your eye brow?

15 A. No.

16 Q. Your temple?

17 A. Yes, the temple. Thank you.

18 He give lot electricity in her back.

19 Q. Anything else?

20 A. He didn't ask me nothing to me,  
21 "Are you okay," nothing. Nobody help me.

22 Q. I'm talking about your husband.

23 Did you see Gasker do anything else  
24 to your husband?

25 MS. MARINELLI: Just objection.

1 A. GOMEZ 170

2 A. That's what I see, he put a lot  
3 of electricity.

4 Q. You're suing Lieutenant Barry  
5 Campbell?

6 A. Yes.

7 Q. He never touched you, did he?

8 A. No.

9 MS. MARINELLI: Objection.

10 Q. He never said anything to you,  
11 did he?

12 A. No.

13 MS. MARINELLI: Objection.

14 Q. Did he touch your husband?

15 MS. MARINELLI: Objection.

16 A. No.

17 Q. So, why are you suing him?

18 MS. MARINELLI: Just objection.

19 A. I sue him because he not do --  
20 he's in charge with investigation and he  
21 tried to contact me one week after happened,  
22 the incident. That's when he tried to  
23 contact me when he see me in court. What  
24 happened with the rest of the week? Nobody  
25 care about what happened to me. I have

1 A. GOMEZ 171

2 pain. They know I went in the hospital and  
3 nobody call me, nobody say nothing. After  
4 one week when I come back to court, that's  
5 when he want to come to me and open  
6 investigation.

7 Q. You're suing him because he  
8 tried to investigate the incident?

9 A. No, he not do the way he have  
10 to do.

11 Q. What do you mean?

12 A. He not do -- he not ask me for  
13 what I feeling, nothing. He don't care  
14 about me. That's why I sue him.

15 Q. Why didn't you sue the whole  
16 police department?

17 MS. MARINELLI: Objection.

18 That's argumentative.

19 Please, don't even answer that.

20 Q. You're suing Sergeant Wood?

21 A. Yes.

22 Q. What is Wood's first name?

23 A. I don't know the name.

24 Q. Did you ever see Campbell  
25 before this incident, Lieutenant Campbell?

1 A. GOMEZ 172

2 A. No.

3 Q. Did you ever see Sergeant Wood  
4 before this incident?

5 A. No.

6 Q. Did you ever see Sergeant Wood  
7 after this incident?

8 A. No.

9 Q. Sergeant wood never touched  
10 you, did he?

11 A. No.

12 Q. Sergeant Wood never talked to  
13 you, did he?

14 A. No.

15 Q. Did Sergeant Wood do anything  
16 to your husband?

17 MS. MARINELLI: Just objection.

18 A. I'm confused. Who is this  
19 policeman?

20 Q. One of the people you're suing,  
21 Sergeant Wood.

22 A. What's the name?

23 Q. Wood, W-O-O-D.

24 Do you even know --

25 A. Yes, I know who he is now.

1 A. GOMEZ 173

2 Q. So, did he do anything to your  
3 husband?

4 MS. MARINELLI: Objection.

5 A. He didn't do what he have to do  
6 and the same with the rest of the policemen.

7 Q. Was Sergeant Wood even there  
8 that night?

9 A. Yes.

10 MS. MARINELLI: Objection.

11 Q. What did you see him do to your  
12 husband, if anything?

13 MS. MARINELLI: Objection.

14 A. Nobody helped, nobody do  
15 nothing.

16 MR. SOKOLOFF: I move to  
17 strike.

18 Q. What did you see him do to your  
19 husband, if anything?

20 MS. MARINELLI: Objection.

21 A. The reasons that I sue because  
22 he not do nothing.

23 Q. I didn't ask you that.

24 I asked you, did you see him do  
25 anything to your husband?

1 A. GOMEZ 174

2 MS. MARINELLI: Objection.

3 A. No.

4 Q. You're suing also the police  
5 chief?

6 A. Yes.

7 Q. Was he there that night?

8 A. No.

9 Q. Was he in contact with anybody  
10 that night that you're aware of?

11 A. I saw him.

12 Q. When?

13 A. In the hospital.

14 Q. I'm talking about --

15 MR. SOKOLOFF: Withdrawn.

16 Q. Did you talk to him at the  
17 hospital?

18 A. I tried to talk to him and he  
19 not put attention to me. I call him three  
20 times and he not coming to see me.

21 Q. You knew what he looked like?

22 A. Yes.

23 Q. How do you know what he looked  
24 like?

25 A. I saw him.

1 A. GOMEZ 175

2 Q. When?

3 A. In the hospital.

4 Q. Did you ever see him before  
5 then?

6 A. In the street.

7 Q. Do you know why he was at the  
8 hospital?

9 A. No.

10 Q. Was Officer Quinoy at the  
11 hospital?

12 A. Yes.

13 Q. What was Officer Quinoy doing  
14 at the hospital?

15 MS. MARINELLI: Objection.

16 A. I don't know.

17 Q. Was he there for his own  
18 injuries?

19 A. I don't know.

20 MS. MARINELLI: Objection.

21 A. I don't know. I not talking  
22 with nobody there. I don't know for what  
23 reason.

24 Q. Did the chief go to the  
25 hospital to visit Quinoy?

1 A. GOMEZ 176

2 MS. MARINELLI: Objection.

3 A. I don't know. They --

4 MS. MARINELLI: Just answer the  
5 question.

6 You don't know?

7 A. I don't know.

8 Q. Chief Warren never touched you;  
9 correct?

10 A. No.

11 Q. Chief Warren never said a word  
12 to you; correct?

13 A. No.

14 MS. MARINELLI: Objection.

15 A. Yes.

16 Q. Chief Warren never touched your  
17 husband; correct?

18 MS. MARINELLI: Objection.

19 A. Yes.

20 Q. Chief Warren never said a word  
21 to your husband; correct?

22 MS. MARINELLI: Objection.

23 A. Yes.

24 Q. And you're suing Chief Warren  
25 why?



1 A. GOMEZ 177

2 MS. MARINELLI: Objection.

3 A. Well, I call him in the  
4 hospital and he not have a conversation but  
5 he say, "I going now. I going now" and he  
6 never came with me.

7 Q. That's why you're suing?

8 MS. MARINELLI: Objection. A  
9 lot of these -- you're asking her  
10 legal questions.

11 MR. SOKOLOFF: I'm asking what  
12 she understands. She's a plaintiff.

13 MS. MARINELLI: I think it's  
14 improper; objection.

15 MR. SOKOLOFF: We disagree.

16 Q. Are you suing him for anything  
17 else?

18 A. He not do what he have to do.

19 Q. Which means what?

20 A. He not help me.

21 Q. Help you when?

22 MS. MARINELLI: Objection.

23 A. When he see me.

24 Q. In the hospital?

25 A. Yes.

1 A. GOMEZ 178

2 MS. MARINELLI: Objection.

3 Q. What did you want him to do  
4 when you were in the hospital?

5 MS. MARINELLI: Objection.

6 MR. SOKOLOFF: Simple question.

7 A. What I want with him?

8 Q. What did you want him to do  
9 when you saw him in the hospital?

10 MS. MARINELLI: Objection.

11 A. Nothing. I only ask about  
12 where is Mario and he -- and the position  
13 that he have, I don't think so do nothing.  
14 He say you have to wait for the process or  
15 something like that. He ignore me totally.  
16 He only say, "I going now. I going now."  
17 He never came. I no ask something personal  
18 or something about nothing. He ignore me.  
19 He's a chief.

20 Q. Did you ever talk to anybody  
21 about this incident other than your lawyer?

22 A. No.

23 Q. Never spoke to a newspaper  
24 reporter about it?

25 A. No.

1 A. GOMEZ 179

2 Q. When you were told that you  
3 were losing your job, did you give an  
4 explanation to anybody about what happened  
5 that night?

6 A. Where, at my job?

7 Q. Yes.

8 A. They find in the newspaper.

9 Q. But I'm asking you whether you  
10 told anybody your side of the story?

11 A. Yeah, I say what happened and  
12 they read what happened.

13 Q. Who was it that you told at  
14 your job what happened?

15 A. What did you say?

16 Q. Who was it that you told at  
17 your job what happened?

18 A. Barbara when she made a meeting  
19 with me when she read the newspaper, Barbara  
20 and Heather.

21 Q. The two of them you told what  
22 happened?

23 A. Yes.

24 Q. Barbara Sommers and Heather  
25 Batanor?

1 A. GOMEZ 180

2 A. Yes.

3 MR. SOKOLOFF: I have no  
4 further questions.

5 Thank you.

6 (Whereupon this examination  
7 concluded at 3:07 p.m.)

8

9

10

---

11

AWILDA GOMEZ

12

13 Subscribed and sworn to

14 before me this\_\_\_\_\_day

15 of\_\_\_\_\_, 2008.

16

17

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18

Notary Public

19

20

21

22

23

24

25

181

C E R T I F I C A T E

STATE OF NEW YORK       )  
                                  )ss.:  
COUNTY OF WESTCHESTER)

I, LISA DOBBO, a Shorthand  
Reporter and Notary Public within and for  
the State of New York, do hereby certify:

That AWILDA GOMEZ, the witness  
whose deposition is hereinbefore set forth,  
was duly sworn by me, and that such  
deposition is a true record of the testimony  
given by the witness.

I further certify that I am not  
related to any of the parties to this action  
by blood or marriage, and that I am in no  
way interested in the outcome of this  
matter.

IN WITNESS WHEREOF, I have  
hereunto set my hand this 29th day of  
February, 2008.

---

LISA DOBBO  
SHORTHAND REPORTER

182

DEFENDANT'S EXHIBIT

No.	Description	Page
A	Miranda Warning Spanish	126

183

ERRATA SHEET

The following corrections, additions or deletions were noted on the transcript of the testimony which I gave in the above-captioned matter held on 2/26/08:

Page\_\_\_\_Line\_\_\_\_SHOULD READ:\_\_\_\_\_

REASON FOR CHANGE:\_\_\_\_\_

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\_\_\_\_\_  
AWILDA GOMEZ

Subscribed and sworn to  
before me this\_\_\_\_day  
of\_\_\_\_\_, 2008.

\_\_\_\_\_  
Notary Public

